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SOUTHCENTRAL SUBSISTENCE REGIONAL ADVISORY
COUNCIL MEETING

Volume II

Caribou Inn
Glennallen, Alaska
March 19, 1998 - 8:00 a.m.

MEMBERS PRESENT:

Roy Ewan, Chairman
Ralph Lohse, Vice Chairman
Fred John, Jr., Secretary
Gilbert Dementi, Sr.
Gary Oskolkoff
Helga Eakon, Coordinator

P R O C E E D I N G S

(On record - 8:12 a.m.)

CHAIRMAN EWAN: I'll call the meeting to order. I believe we left off on Proposal 32?

MS. EAKON: Thank you, Mr. Chair. Proposals 32 and 33 would establish a c&t determination for brown bear in Units 13 and 20. And Rachel is the presenter.

MS. MASON: Thank you. Proposal 32 and 33 were combined for analysis and these two are similar to the last two that you considered except that these refer to brown bear rather than black bear. Proposal 32 was submitted by the CRNA, it requests a positive c&t for brown bear in Unit 13 for the rural residents of Cantwell, Chistochina, Chitina, Copper Center, Gakona, Gulkana, Mentasta Lake and Tazlina. Proposal 33 requests a positive c&t determination for brown bear in Unit 13 for all residents of Unit 13 and in Unit 20(A) and 20(C) for all the residents between Mile 216 and 309 of the Parks Highway.

Currently there is no subsistence priority for brown bear in Unit 13 and no determination for brown bear in Units 20(A) and 20(C). Proposal 32 involves only Unit 13 so it's entirely within the Southcentral region, however, Proposal 33 involves use areas and use areas of both the Eastern Interior and the Southcentral regions. So this was one of the ones that was discussed at the subcommittee meeting between the two regions.

Since it's so similar to the last proposal, I'll just go through the parts that differ in terms of brown bear. Brown bear has traditionally been a great ritual importance to the Ahtna and other Athabaskans who are indigenous to the areas involved in this proposal. However, brown bear meat appears to contribute little overall to the diet of the residents of this region. And again, Athabascan culture, brown bear is a ritually dangerous animal surrounded by taboos. The taboos are strongest with regard to brown bear.

In other proposals we have looked at the harvest data that comes from subsistence harvest studies as well as from harvest ticket data from brown bears. And again, in the Copper River Basin area, brown bears were harvested to some extent in the past but they seem to be less harvested now than they were before 1945. And there's little indication that they are harvested for use as human consumption. There is -- again, there's a lot of secrecy and taboos about it, so it's likely

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1 that the people may be reluctant to report brown bear.

2

3 In the Parks Highway area, traditional harvest of brown
4 bear among Athabaskans indigenous to the area have followed the
5 pattern of Upper Tanana harvesting, which brown bear was not
6 used for food in large amounts but bear hunting was proof of
7 skill as a hunter. And since they arrived in the area,
8 non-Native settlers in these communities have harvested brown
9 bear.

10

11 In the Upper Tanana area, Upper Tanana Athabaskans
12 consider bear hunting to be a physically and spiritually
13 dangerous activity. Again, this recalls what Fred John was
14 telling us yesterday about people in Mentasta who even used it
15 as a sport hunting. You had to be physically very brave and
16 able person to hunt bears. Among Dot Lake residents there's
17 very indication that people eat bear meat currently. And for
18 Healy Lake no data was available on brown bear harvest.

19

20 In terms of the use areas, in the Copper River Basin,
21 on Page 176 you will see the reported brown bear harvest by
22 Copper River Basin communities. This is not a very indicator
23 of the take of brown bear for human consumption because these
24 are simply all the brown bears harvested. It does give an
25 indication of the percentage of harvest by each of the
26 communities that has taken place in Unit 13. And that's what's
27 here and you can see that some of these communities have
28 harvested the majority of bears that they have taken have been
29 in Unit 13. However, none of the other -- the Copper River
30 Basin communities, other than Slana have reported harvesting
31 any brown bear in either Unit 20(A) or 20(C). For the Parks
32 Highway area, the ADF&G Division of Subsistence has mapped
33 hunting areas for both black and brown bears in 1987, and all
34 the hunting areas for bear that were reported by these
35 communities were in Units 20(A) or 20(C) except for there was a
36 tiny corner of Unit 20(B).

37

38 The preliminary conclusion was not to support Proposals
39 32 and 33. This, again, was the -- I took a conservative
40 approach to the harvest of brown bear. Brown bears have
41 historically been used by the Athabaskans who are indigenous to
42 Units 13, 20(A) and 20(C), there's an error in your book, I
43 guess, as well as by non-Native migrants to the area. And it
44 appears that brown bear is not harvested as frequently as it
45 was in the past. There is no information indicating that
46 residents in recent years have taken bears for human
47 consumption. And again, it is important to recognize that
48 there are rituals and secrecies surrounding bear harvest in
49 Athabascan culture. And we learned, for example, in Mentasta
50 Lake, some lineages traditionally eat brown bears and others do

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1 not, and that was brought up in testimony here yesterday, too.
2 So the conclusion was not to support because there is
3 inadequate evidence of contemporary harvest for human
4 consumption.

5
6 Thank you.

7
8 CHAIRMAN EWAN: Thank you, Rachel. Do we have any
9 agency comments? Do we have any written comments?

10
11 MS. EAKON: Yes, Mr. Chair. The recommendation of
12 Eastern Interior Regional Council is to defer Proposal 32 to
13 the Southcentral Regional Council, and to defer Proposal 33
14 pending clarification of proponent on their request. As you
15 heard from Gloria yesterday, CRNA supports 32 with modification
16 to include all rural residents of Unit 13 and they reject 33.
17 The Wrangell-St. Elias Subsistence Resource Commission supports
18 the proposal as written. Recognizing that there are other
19 qualified subsistence users that should be granted positive
20 c&t. The comment of the Denali Subsistence Resource Commission
21 was to support Proposals 32 and 33. The Commission supports 32
22 as written by unanimous vote.

23
24 That concludes the written comments.

25
26 CHAIRMAN EWAN: Any public testimony. If not, we'll
27 get down to.....

28
29 MR. BOYD: No comment here, just us bureaucrats.

30
31 CHAIRMAN EWAN: Then we'll get down to Regional Council
32 recommendations and justifications. Does anybody have any
33 recommendation on these two proposals, there's two of them that
34 are considered here, 32 and 33.

35
36 My comment will be this, and that is, it doesn't seem
37 to me like it matters one way or the other whether we allow
38 this or not. I mean I haven't heard really strong argument one
39 way or another. I will again repeat what I said yesterday
40 talking about black bears, and that's I would like to see we do
41 not take a right or some tradition that was carried down for a
42 number of years. I don't know, maybe there is some reason why
43 we should reject, but I just don't see a real, real strong
44 reason at this point.

45
46 Ralph.

47
48 MR. LOHSE: Well, the only reason I could see -- the
49 only basis for a reason that I can see to reject is that
50 there's not much current use, but that doesn't effect customary

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1 and traditional. I mean basically right now, there isn't as
2 much need for it as there has been in other times in the
3 history. We know brown bear are eaten. We know brown bear are
4 taken. We know brown bear, by their very nature, the way
5 they're taken aren't always reported by either Native or
6 non-Native residents in Unit 13. I kind of go along with the
7 Copper River Native Association that brown bear probably are
8 used for food by -- or have been and are used by residents in
9 Unit 13, and I'd probably along with their idea that if it's
10 customary and traditional in Unit 13, it's probably customary
11 and traditional for all rural residents because it's an
12 opportunistic animal. Nobody -- other than somebody's doing it
13 for sport, nobody purposely goes out and looks for brown bear.
14 Brown bear have a tendency to come to you.

15
16 CHAIRMAN EWAN: Okay, any other comments.

17
18 MR. F. JOHN: I really don't have any comment because
19 I.....

20
21 CHAIRMAN EWAN: Do you want to go along with the Copper
22 River Native Association?

23
24 MR. F. JOHN: Let's just defer it. Yeah, I don't think
25 we should -- we don't have much data.

26
27 CHAIRMAN EWAN: I asked for agency comments earlier,
28 Jeff, we're on Proposal 32 and 33, brown bear. Did you have
29 any comments on those?

30
31 MR. SELINGER: Okay. Probably not at this time. I'm
32 not prepared.

33
34 CHAIRMAN EWAN: Could I ask you what your thoughts are
35 about -- if we did allow for a brown bear subsistence hunt, I
36 mean how would it effect -- do you think that it would effect
37 the brown bear population?

38
39 MR. SELINGER: Are we talking about.....

40
41 REPORTER: Excuse me, Mr. Chair.....

42
43 (Off record comment)

44
45 CHAIRMAN EWAN: We were talking about Proposal 32,
46 which was submitted by CRNA and the other one is -- what is the
47 organization that submitted the other one, Rachel?

48
49 MS. MASON: Middle Nenana Fish and Game Advisory
50 Committee.

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1 CHAIRMAN EWAN: I just want to hear any comments about
2 what you thought, we're trying to decide what to do here.

3
4 MR. TOBEY: The current brown bear season in Unit 13 is
5 very long and very liberal. The season runs from the 10th of
6 August to the end of May. It's one bear a year bag limit and
7 there isn't any requirement for a \$25 tag. So basically
8 anybody can take one when they see it opportunistically at any
9 time during the open season. We have on the sealing
10 certificates, asked where meat is salvaged. We haven't gone
11 through that and looked for brown bear for this meeting, but I
12 can tell you from looking at them over the years, very few
13 people put down that they salvage much, if any of the meat. So
14 I guess we really don't have a position on brown bear for
15 subsistence, mainly because it is such a liberal season and
16 anybody can take them right now just about any time they want.

17
18 CHAIRMAN EWAN: Jeff, do you have additional comments?

19
20 MR. SELINGER: No. No, I don't.

21
22 CHAIRMAN EWAN: Okay.

23
24 MR. F. JOHN: I got a question.

25
26 CHAIRMAN EWAN: Yes, go ahead.

27
28 MR. F. JOHN: What about like the claws, the teeth and
29 stuff like that, what's the State's position on that?

30
31 MR. TOBEY: The State's position on the claws is that
32 they're part of the hide and they have to be salvaged. We
33 require that the hide be salvaged and the skull be brought in
34 for sealing. Once the skull's presented for sealing, we don't
35 have a position on the teeth. I mean if they're used or not,
36 it's up to the person who takes the bear.

37
38 MR. F. JOHN: All right. Could the Natives use it for
39 their ornaments and stuff like that?

40
41 MR. TOBEY: Yes, they could.

42
43 MR. LOHSE: Bob, does that apply -- the claws are part
44 of the skin, they've got to be salvaged with the skin, but they
45 can be detached at a later time, can't they?

46
47 MR. TOBEY: That's correct. Once the hide is brought
48 in and salvaged and sealed, then it's up to the individual who
49 takes it to determine what he wants to do with his hide.

50

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1 MR. LOHSE: So he can tan it, cut it up, separate parts
2 of it, it doesn't make any difference?

3
4 MR. TOBEY: Correct. The problem comes in with the
5 sale part of it, you know, that's.....

6
7 MR. LOHSE: That's Federal law.

8
9 MR. TOBEY: Well, is prohibited.

10
11 CHAIRMAN EWAN: Okay, thank you.

12
13 MR. LOHSE: Could I ask one more question?

14
15 CHAIRMAN EWAN: Yes, Ralph.

16
17 MR. LOHSE: The brown bear population in Unit 13 is
18 fairly high right now, isn't it?

19
20 MR. TOBEY: We're in kind of a unique situation with
21 brown bears in Unit 13. Brown bears are significant predators
22 of moose calves and the Board of Game has identified under
23 intensive management in Unit 13 the objective to reduce brown
24 bear numbers to promote moose calf survival. All our research
25 shows is that we've got a healthy, fairly large population of
26 brown bears in Unit 13. And with the exception of a couple of
27 areas of very harvesting in 13(E), over towards Cantwell, we
28 don't think that the current hunting seasons are doing anything
29 to bear numbers other than possibly changing the ratio of boars
30 to sows. Hunters tend to concentrate on large boars, so that
31 segment of the population is being reduced but we don't think
32 the overall bear numbers have been reduced in Unit 13 at all
33 under heavy hunting pressures.

34
35 And I guess to answer your question that I heard asked
36 a little bit ago, I don't feel that adding a subsistence season
37 on brown bears in Unit 13 here would have any impact on the
38 numbers especially around this area where it's timbered and
39 they're very hard to see and hard to hunt. I don't have any
40 population problems with that.

41
42 CHAIRMAN EWAN: Thank you. I think you answered my
43 question. I was wondering whether there was any management
44 problem with the numbers. Any comments from the Regional
45 Council, other comments or do you want to make a recommendation
46 now?

47
48 By the way, do we know if Gary Oskolkoff is on the way?

49
50 MS. EAKON: I haven't heard anything about Gary.

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1 CHAIRMAN EWAN: Does somebody want to make a motion on
2 these two proposals -- Ralph.

3
4 MR. LOHSE: Mr. Chair, not a motion but just another
5 comment on it at this point in time. At this point in time
6 with brown bear numbers at what they are, a subsistence
7 season's not really going to change anything because the
8 current season's open. But it would still recognize --
9 customary and traditional would still recognize the fact that
10 brown bear was a customary and traditional animal. The only
11 time that that would have any effect would be if at some time
12 in the distant future things changed enough in Unit 13, which
13 is probably unlikely, due to the nature of the country and size
14 of the country and everything else.

15
16 Be that as it is, I think that it wouldn't hurt to put
17 on record that the rural residents of Unit 13 have a priority
18 on brown bear in Unit 13. I mean if times would ever get to
19 the point where they were in short supply or they needed the
20 food by the residents in Unit 13 it would be nice to have some
21 kind of status on it. And from that standpoint, like I said, I
22 have a tendency to go along with Copper River Native
23 Association's proposal which would grant customary and
24 traditional to all residents in Unit 13. The basis of that is
25 that while they're not used in any great quantity at this point
26 in time, they have been used in the past. And they've been
27 used by both, Native and non-Native residents of the valley in
28 a sense.

29
30 The other thing is, just as we talked about yesterday,
31 while there's traditional secrecy and everything surrounding
32 brown bears in the Athabascan culture, and currently there's no
33 tagging requirements. It wasn't that far back that there was,
34 there was a \$25 tag on it, how long ago Bob?

35
36 MR. TOBEY: Just a couple of years. And I should have
37 pointed out has to voted on every year.

38
39 MR. LOHSE: Right. Right. And you know, I guess I'll
40 have to just say that there are -- that there have been brown
41 bear taken that haven't been tagged or haven't been reported
42 simply because people didn't -- in some cases they're far
43 enough out in the bush that they didn't want to take the time
44 and the effort to go find Fish and Game, in other cases, they
45 didn't want to have the hassle of taking care of the brown bear
46 and in other cases it just was basically a distrust of getting
47 into a system that you know anything about and you know that
48 you're outside of the current seasons or bag limits or tag
49 requirements.

50

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1 And some of those brown bear were used for food and
2 some of those brown bear weren't. But I think we need to
3 recognize that the rural residents of Unit 13 have used brown
4 bear in the past and may want to use it again in the future.
5 And I think they should have a customary and traditional. So
6 from that standpoint, at this point in time, what I would like
7 to do is make a motion to support Proposal 34, with the
8 amendment to include.....

9
10 CHAIRMAN EWAN: Is it 34, it's 32 and 33.

11
12 MR. LOHSE: Oh, I'm on the wrong one, 32 with the
13 amendment to include all rural residents of Unit 13 and defer
14 on Proposal 34 -- which deals with residents of Unit 20.

15
16 CHAIRMAN EWAN: Is there a second?

17
18 MR. F. JOHN: Second.

19
20 CHAIRMAN EWAN: The motion's seconded to approve 32 and
21 reject 33; is that right?

22
23 MR. LOHSE: No, to defer on 33 and approve 32 with the
24 amendment that it includes all rural residents in Unit 13.

25
26 CHAIRMAN EWAN: There was a second so we are on
27 discussion of that motion.

28
29 Like I said I will do whatever the Council members want
30 to do. I'll go along with that. I personally know that there
31 are really no compelling reasons to have brown bear subsistence
32 and there's no real compelling reasons not to have that
33 subsistence hunt. I'm not really aware of anybody that does
34 that right now and I don't know if anybody else does, for
35 subsistence purposes. I know I don't hunt brown bear for
36 subsistence purposes, but I don't want to take away a right or
37 do away with a tradition that was handed down for many years.
38 That's all.

39
40 MR. LOHSE: Mr. Chair, can I ask a question from
41 somebody out in the audience. The fact that it has customary
42 and traditional does not necessary mean that a special hunt has
43 to be setup for it, does it? It just means that the Federal
44 government recognizes that on their property, brown bear is a
45 customary and traditional animal and, should some time in the
46 future there be insufficient animals to go around, that a hunt
47 would be setup or then the process of a hunt would be setup on
48 Federal land, right?

49
50 MR. BOYD: I think you're essentially correct, Ralph.

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1 The c&t determination basically delineates those users, the
2 subsistence users for that region essentially. The separate
3 regulation establishing the harvest is the place where we setup
4 whatever limitations are needed for conservation purposes. So,
5 in essence, you're correct, by identifying those subsistence
6 users does not necessarily mean we're going to have a hunt. In
7 most cases, we already do have a harvest opportunity and as
8 long as the resource can take that opportunity, why not. But
9 it's two different decisions. One is identifying the
10 subsistence users for that resource in that region and the
11 second is to allow harvest.

12
13 MR. LOHSE: Can I ask one more question before he
14 leaves. Now, it only applies on Federal land?

15
16 MR. BOYD: That's right.

17
18 MR. LOHSE: Should the Federal government feel that in
19 contradiction to the State, that brown bears are in fairly good
20 supply, and decide to limit the take of brown bear on their
21 land, would this give them an avenue to close off brown bear to
22 hunting to other people who do not have customary and
23 traditional?

24
25 MR. BOYD: If it's necessary for conservation purposes,
26 we have in the past and we will -- could in the future restrict
27 brown bear hunting or any other resource for that matter to
28 those who are eligible, that's right, under the Federal c&t
29 determination.

30
31 MR. LOHSE: But you could close it down anyway?

32
33 MR. BOYD: That's correct.

34
35 MR. LOHSE: On Federal land, whether there was a c&t or
36 whether there wasn't? You could close it down -- of there was
37 no c&t, you could close it down to everybody on Federal land,
38 right?

39 MR. BOYD: Well, I'm not sure we face that situation,
40 so I'm not.....

41
42 MR. LOHSE: No, I don't think we faced it yet either --
43 I don't think we're faced with it.....

44
45 MR. BOYD: No, I honestly don't know the answer to that
46 question.

47
48 MR. LOHSE: Okay.

49
50 CHAIRMAN EWAN: That brings up another question and I

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1 won't direct it to you directly, Tom, but anybody that could
2 answer it. What Federal lands are we talking about, say for
3 Unit 13, and that other 20(A), whatever it is?

4
5 MS. MASON: Mr. Chairman.

6
7 CHAIRMAN EWAN: Yes.

8
9 MS. MASON: There's very little Federal land in Unit
10 13. What small amount there is is mainly in Unit 13(E) as part
11 of Denali National Park. There are three tiny strips of BLM
12 lands in Unit 13. And then as far as 20(A), I think it's also
13 mainly.....

14
15 UNIDENTIFIED VOICE: There's a little bit of Wrangell's
16 in 13(C).

17
18 MS. MASON: Okay, there's a little bit of Park lands in
19 13(C). As far as 20(A) and (C), 20(C) has -- about half of
20 20(C), it looks like it's Denali National Park and Preserve.
21 And then 20(A) has very little Federal land at all. In fact, I
22 don't see any, I think there's a tiny bit of BLM land.

23
24 CHAIRMAN EWAN: Thank you. Bob, come on up to the mic
25 so you can be recorded.

26
27 MR. TOBEY: I guess I have a question for Federal
28 Staff, this \$25 tag fee, we have to get authorization every
29 year to eliminate it because it's legislatively enacted, the
30 Board has to vote on it every year. If we don't pass that in
31 any one year and we have the \$25 in place, will that cause a
32 conflict with the Federal subsistence regulation, seeing how
33 that it would require a \$25 tag for any brown bear taken?
34 That's just a question of Staff.

35
36 MR. BOYD: Our regulations currently require all
37 permits, tags, and licenses required by the State, unless
38 specifically stated that we would waive those that are in
39 regulation. And currently, for most wildlife resources, we
40 require those permits and tags required by the State. There
41 are some situations where they're waived. I think the Western
42 brown bear management area, I'm trying to remember, is one of
43 those areas where Federal -- where a harvest occurs within that
44 area by qualified subsistence users, we don't require a State
45 tag. But I'm not even sure the State does that there, so. But
46 unless specifically waived, we would require everything the
47 State requires.

48
49 CHAIRMAN EWAN: Yes, Ralph.

50

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1 MR. LOHSE: Mr. Chair, so you know, actually what it
2 looks like if we're dealing with a small area of Federal land
3 pretty far away from major rural residents of Unit 13, so
4 you're probably correct that it doesn't probably have much of
5 an effect because it doesn't effect the brown bear that's shot
6 in the backyard in Copper Center or in the field or Kenny Lake
7 or anything like that.

8
9 CHAIRMAN EWAN: Okay. Any other comments on the
10 motion, are we prepared to vote?

11
12 MR. LOHSE: I think I'll vote against it.

13
14 CHAIRMAN EWAN: Pardon? Are you ready to vote.

15
16 MR. LOHSE: Was there a second?

17
18 CHAIRMAN EWAN: Yes. Anybody else have comments?
19 Ready to vote then? All those in favor of adopting Proposal 32
20 and deferring Proposal 33, I guess, adopting 32 with amendment,
21 right?

22
23 MR. LOHSE: Amended to include all rural residents in
24 13.

25
26 CHAIRMAN EWAN: Say aye.

27
28 IN UNISON: Aye.

29
30 CHAIRMAN EWAN: Opposed by the same sign.

31
32 (No opposing votes)

33
34 CHAIRMAN EWAN: So we adopt 32 and defer 33. The next
35 proposal then is what, Helga, go ahead Helga.

36
37 MS. EAKON: Okay. Proposals 34 and 35 would revise
38 customary and traditional use determinations. Proposal 34
39 would add Healy Lake for caribou in Unit 13 and 35 would add to
40 Unit 13(B) residents of Unit 20(D), except no priority for Ft.
41 Greely residents. Rachel.

42
43 MS. MASON: Thank you, Helga. Proposal 34 was
44 submitted by the Healy Lake Traditional Council. And the
45 request was that Healy Lake be added to the communities with a
46 positive c&t for caribou only for the Nelchina herd in Unit 13.
47 Proposal 35 was submitted by the Delta Fish and Game Advisory
48 Committee in Delta Junction, and it requests a positive c&t
49 determination for caribou in Unit 13(B) for the residents of
50 Unit 20(D), except as Helga pointed out, for residents of Ft.

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1 Greely.

2

3 The existing regulation for Unit 13 for c&t is for the
4 Nelchina Caribou Herd only and currently the residents of Units
5 11
6 12 along the Nabesna Road, 13 and the residents of Chickaloon
7 have a positive c&t determination for caribou in Unit 13. The
8 residents of Unit 20(D) also have a positive c&t in the
9 Fortymile Caribou Herd in Units 20(D) and 20(E). The residents
10 of the Unit 20(D), community of Dot Lake are included among
11 those with a positive c&t for caribou in Unit 11 north of the
12 Sanford River and in Unit 12.

13

14 So the Proposal 35 asks for a positive c&t
15 determination for residents of Unit 20(D) except for Ft.
16 Greely, only in the portion of Unit 13 that is close to Unit
17 20(D). There is -- it's clear that throughout the history of
18 this area, caribou has been one of the most important resources
19 available to the people living in the region. And today,
20 caribou is not as readily available as it once was but it's
21 still a valuable resource. And in 1987, two-thirds of the
22 residents of Dot Lake reported using the caribou and 40 percent
23 attempted to harvest it. Although harvest data is not
24 available for the other communities in Unit 20(D), the kinship
25 and the cultural connections between Dot Lake and Healy Lake
26 suggest that the caribou harvest pattern is similar in the two
27 Native communities.

28

29 And from recorded caribou harvests in Unit 13 and
30 13(B), it's clear that there is a pattern of residents of Unit
31 20(D) harvesting caribou in Unit 13(B). The communities for
32 which data exists are Delta Junction, Dot Lake and Ft. Greely.
33 Ft. Greely, as you know, is a military reservation and it's not
34 even part of the proposal so it was not recommended by the
35 proposer that it be included. But as for Dot Lake and Delta
36 Junction, there does seem to be a pattern of harvesting caribou
37 in Unit 13(B).

38

39 The preliminary conclusion was to support Proposal 34
40 with modification, which would give Healy Lake and Dot Lake a
41 positive c&t in Units 13(B) and 13(C). And then to support
42 Proposal 35 with modification also, revising the wording to
43 clarify that in Unit 13(B), the residents of Unit 20(D) except
44 Ft. Greely would be added to those residents who currently have
45 a positive c&t in Unit 13.

46

47 The justification for this is that Dot Lake has kinship
48 and cultural connections to the Ahtna community of Mentasta
49 Lake in Unit 13(C). Healy Lake's connections are less
50 explicitly known, but nevertheless, it's clear that there are

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1 kinship and cultural connections with other Tanacross and Upper
2 Tanana Athabaskans and perhaps also with the Ahtna communities.
3 The link with the Copper River Basin communities and with the
4 Unit 12 communities who currently do have a positive c&t for
5 caribou in Unit 13 would give Dot Lake and Healy Lake more
6 claim on harvesting in Unit 13 than the other Unit 20(D)
7 communities. However, the Ahtna relatives of the Dot Lake
8 residents along the Copper River, most of them live in Unit
9 13(C). So the recommendation, therefore, was to support a
10 positive c&t for Healy Lake and for Dot Lake in both Unit
11 13(B) and Unit 13(C).

12
13 The harvest tickets indicate that the residents of
14 three communities in Unit 20(D), Delta Junction, Ft. Greely and
15 Dot Lake, over the years have reported harvesting caribou in
16 Unit 13(B) since the harvest ticket reporting system began in
17 1983. However, the mapped caribou use areas for Dot Lake which
18 is the only place where do have a mapped use area don't show
19 any uses in Unit 13(B). However, Proposal 35 states that the
20 proponents and other local residents can testify to the
21 historic uses of the Nelchina herd in Unit 13(B). So
22 therefore, it was recommended that Proposal 35 be supported.
23 The modification would be that just to revise the proposals
24 wording, as it's written, it could be interpreted to mean that
25 if it's adopted, then the residents of Unit 20(D) would be the
26 only subsistence users with a positive c&t in Unit 13(B). But
27 the suggested modification would specifically request that the
28 residents of Unit 20(D) be added rather than that they have the
29 only positive c&t in Unit 13(B).

30
31 That concludes the analysis.

32
33 CHAIRMAN EWAN: Any agency comments? Any written
34 comments?

35
36 MS. EAKON: The recommendation of Eastern Interior is
37 to support Staff recommendation with the clarification that Ft.
38 Greely should not have subsistence priority because they are
39 not a subsistence community. And they made the same
40 recommendation for both proposals. And as Gloria told you
41 yesterday, CRNA rejects 33 and 34 stating that Unit 13(B) is
42 traditional Ahtna territory and Healy Lake has other hunting
43 areas. Upper Tanana Fortymile Fish and Game Advisory
44 Committee supports Proposal 34.

45
46 And that concludes the comments.

47
48 CHAIRMAN EWAN: Thank you. Any public testimony?
49 Okay, we're down to Regional Council
50 recommendation/justification. The recommendation, would you

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1 read that one more time, Rachel.

2

3 MS. MASON: Yes. That was to support Proposal 34 with
4 modifications giving Healy Lake and Dot Lake positive c&t in
5 Units 13(B) and 13(C). And also to support Proposal 35 with
6 modification which would only revise the wording to clarify
7 that in Unit 13(B) to add the residents of Unit 20(D). And
8 actually there is a redundancy in this that because Healy Lake
9 and Dot Lake obviously are part of Unit 20(D). So there might
10 be another way that's better to make that kind of
11 recommendation.

12

13 CHAIRMAN EWAN: That's what I thought as you were
14 reading that.

15

16 MS. MASON: Yeah.

17

18 CHAIRMAN EWAN: When you take a whole unit or subunit,
19 it just seems like we're taking a larger area than necessary.

20

21 MS. MASON: Yeah.

22

23 CHAIRMAN EWAN: I don't have any problems going along
24 with the recommendation. Any comments.

25

26 MR. F. JOHN: I kind of hate to put in the whole 20 --
27 or whatever the other one is, so I don't know. It seems like
28 that there is -- to me what I did was I pushed for Dot Lake
29 before because Dot Lake hunted and fished in the National Park.
30 I've got relatives up there, I've got aunties, uncles, and
31 they're all from Batzulnetas area and that's why I pushed Dot
32 Lake. And some of those people that have moved -- relatives
33 with Healy Lake. And my --what I see is that they got
34 traditional, customary hunting area in the Parks down here and
35 they used the Nelchina herd before. But I don't know about
36 Delta and those other religious groups that are up there like,
37 you know, the White Stone, Dry Creek and those are just --
38 there's a group that's going to be included and I never -- I
39 don't know -- I don't know about them and I haven't heard
40 anything about them, whatever, I kind -- I kind of would go
41 just with Dot Lake and Healy Lake right now.

42

43 CHAIRMAN EWAN: Then you would support the
44 recommendation and leave out the.....

45

46 MR. F. JOHN: I mean I won't go -- and I would think if
47 there's other traditional caribou up that way, there's
48 Fortymile Herd, I think there's the Delta Herd, I don't know if
49 they're a migrating herd in Delta. And there's another one up
50 around Dot Lake area that's caribou and I forgot what they call

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1 them, probably Alaska State Fish and Game knows.

2

3 CHAIRMAN EWAN: As I said, I'll support the Staff
4 recommendation with modification of just naming the communities
5 of Healy and Dot Lake?

6

7 MS. MASON: Mr. Chairman, that could be accomplished if
8 you just wanted to support the Staff recommendation for
9 Proposal 34. And the other one doesn't name the communities so
10 -- although, they're redundant, you could accomplish what you
11 wanted to by just supporting 34 and not 35.

12

13 CHAIRMAN EWAN: Okay. Are you saying that we can leave
14 out then 20(D) wording? That's too broad, as Fred said there
15 are communities along there that we're not familiar with.

16

17 MS. MASON: Yeah. You could do it community by
18 community and the first part of the Staff recommendation was
19 just naming the communities of Healy Lake and Dot Lake. And
20 also in response to what Fred was saying about the specific
21 herds. The direction that we have gone in with the c&t's is
22 not doing c&t's by caribou herd, but just for whatever caribou
23 are in that unit. And although the regulations might still be
24 for a specific herd for hunting, the c&t's can be heard for
25 whatever herd is there.

26

27 MR. F. JOHN: Does this just -- Gloria brought up
28 something yesterday for Dot Lake or Upper Tanana, that's all --
29 for the Sanford River, that's included in all these.....

30

31 MS. MASON: In 11 that's what's their c&t is for, yeah.

32

33 MR. F. JOHN: And 11 is above the Sanford River.

34

35 MS. MASON: Yeah.

36

37 CHAIRMAN EWAN: We're talking 13.

38

39 MS. MASON: Yeah.

40

41 MR. F. JOHN: Traditionally Dot Lake and probably
42 outside Healy Lake, their hunting ground is up in Mentasta,
43 that area, not way down here.

44

45 MS. MASON: Yes. That's why the recommend was to
46 include 13(C) as part of it for those two communities.

47

48 MR. F. JOHN: Okay, I understand. Thank you.

49

50 CHAIRMAN EWAN: You also mentioned 13(B), who are you

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1 trying to include there?

2

3 MS. MASON: Well in the recommendation for Proposal 34
4 it would give Healy Lake and Dot Lake a positive c&t in 13(B)
5 and 13(C).

6

7 CHAIRMAN EWAN: Okay. Are we talking about some
8 Federal land there.

9

10 MS. MASON: Not very much Federal land. And along the
11 rivers and long the Richardson Highway there's some BLM lands.

12

13 MR. F. JOHN: I'd like to just say that I don't want to
14 say I cut the rest of the people out but I don't have any
15 information, you know, now to include everybody in -- as far as
16 I know, I just know about Dot Lake and Healy Lake and the rest
17 I don't know. It's not that I want to exclude them, I want to
18 make that clear.

19

20 CHAIRMAN EWAN: So Fred, are you just saying we should
21 just name the communities?

22

23 MR. F. JOHN: Yes, that's what we did before.

24

25 CHAIRMAN EWAN: I'll entertain a motion then to adopt
26 with the modification as you just stated.

27

28 MR. F. JOHN: Yeah, I'd like to make a motion, 34.

29

30 CHAIRMAN EWAN: The way the Staff recommends?

31

32 MR. F. JOHN: With Staff recommend and just include
33 Healy Lake and Dot Lake.

34

35 CHAIRMAN EWAN: And drop out.....

36

37 MR. F. JOHN: And drop the rural area 20.....

38

39 CHAIRMAN EWAN: 20(D)?

40

41 MR. F. JOHN: Yeah, drop 20(D).

42

43 CHAIRMAN EWAN: Okay, is that clear enough? Adopt the
44 Staff recommendation and take out 20(D) and insert just Healy
45 Lake and Dot Lake.

46

47 MR. F. JOHN: 20(B), yeah.

48

49 MR. LOHSE: That applies only to 13(B) and 13(C),
50 right?

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1 CHAIRMAN EWAN: Yes.

2

3 MS. MASON: That's right, Mr. Chairman. What you are
4 doing is to support the Staff recommendation for Proposal 34
5 but not support it for 35.

6

7 MR. F. JOHN: Yeah.

8

9 CHAIRMAN EWAN: That's the intent of the motion.

10

11 MS. MASON: And that will accomplish the goal.

12

13 MR. F. JOHN: That's to not support 35, yeah.

14

15 CHAIRMAN EWAN: If that's clear, is there a second?

16

17 MR. DEMENTI: Second.

18

19 CHAIRMAN EWAN: There's a motion and a second, any
20 further discussion on the motion?

21

22 MR. LOHSE: Basically what we've done at this point in
23 time is add Healy Lake and Dot Lake to customary and
24 traditional in Unit 13() and 13(C), right?

25

26 CHAIRMAN EWAN: Um-hum.

27

28 MR. F. JOHN: Yes.

29

30 MR. LOHSE: Now, if I remember right, the Copper River
31 Native Association's objection to that is they were looking at
32 it as it applied to all of Unit 13, wasn't it? I mean I know
33 Gloria objected to it because traditionally they didn't come
34 down all the way into 13. And so this limits them to the upper
35 part.....

36

37 CHAIRMAN EWAN: 13(B), yeah.

38

39 MR. LOHSE:which is a customary and traditional
40 area for them.

41

42 CHAIRMAN EWAN: Do you want to speak to that Rachel.

43

44 MS. MASON: Well, this would limit them to 13(B) and
45 13(C), which are adjacent to their unit.

46

47 CHAIRMAN EWAN: I don't think Gloria would have a
48 problem with that. She didn't have a problem with north of
49 Sanford River, which is further down.

50

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1 MR. LOHSE: It's the same thing.

2

3 CHAIRMAN EWAN: The Sanford River is way down from the
4 area we're talking about.

5

6 MS. MASON: Um-hum.

7

8 CHAIRMAN EWAN: Any further discussion on the motion.
9 Are you ready to vote? All those in favor of the motion say
10 aye.

11

12 IN UNISON: Aye.

13

14 CHAIRMAN EWAN: Opposed by the same sign.

15

16 (No opposing votes)

17

18 CHAIRMAN EWAN: Motion is carried. The Next Proposal
19 is 36 -- no, 35.

20

21 MS. EAKON: No, you rejected 35.

22

23 CHAIRMAN EWAN: Yeah, we rejected that, 36.

24

25 MS. EAKON: Mr. Chair, before we go on to Proposal 36,
26 we just got word that elders of Kenaitze are on their way from
27 Kenai to Anchorage to group with their attorney, Taylor Daniel,
28 after which they plan to drive here. So we need some kind of
29 indication as to how far are you willing to go today? Do you
30 want to wait for these elders to come here? An alternative
31 would be to ask Carol to take them over to the Subsistence
32 Management Office to sit with Robert essentially on the
33 teleconference and have them testify by telephone.

34

35 CHAIRMAN EWAN: Are you thinking about postponing
36 discussion on some of these motions waiting for them?

37

38 MS. EAKON: No. We just need -- the agenda item that
39 we're talking about is 10(B), the request from Native American
40 Rights Fund on behalf of Kenaitze Tribe to declare the Kenai
41 Peninsula as rural. That had been one of your.....

42

43 CHAIRMAN EWAN: Well, can we take that up when they get
44 here?

45

46 MS. EAKON: That's what I am asking.

47

48 CHAIRMAN EWAN: Yes.

49

50 MS. EAKON: Do you want to wait for these people to

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1 come here?

2

3 CHAIRMAN EWAN: Yes.

4

5 MS. EAKON: Okay.

6

7 MR. LOHSE: Mr. Chairman.

8

9 CHAIRMAN EWAN: Yes.

10

11 MR. LOHSE: Physically, will they be here today?

12

13 MS. EAKON: Yes.

14

15 CHAIRMAN EWAN: If they're in Anchorage they'll be here
16 today, yes.

17

18 MS. EAKON: Well.....

19

20 MR. LOHSE: Well, they're going to go meet with their
21 lawyer today.

22

23 CHAIRMAN EWAN: Oh.

24

25 MR. BOYD: They were driving up from Kenai this
26 morning, we don't know what time they left. And that was the
27 message from Carol Daniel. She's waiting for them to arrive in
28 Anchorage and then the plan would be to drive from Anchorage
29 over to here. And the alternative presented by Helga would be
30 that they would just stay in Anchorage and participate on the
31 teleconference. So that's kind of the dilemma.

32

33 CHAIRMAN EWAN: If we could arrange that, that'd be
34 great, teleconference or if they can come on up here. It will
35 only take four hours for them to get up here if they're in
36 Anchorage now, they'll be here by 2:00 o'clock.

37

38 MR. BOYD: They're on their way from Kenai, that's
39 about three or four hours there and then three or four hours to
40 here.

41

42 MR. LOHSE: And meet with their lawyer.

43

44 CHAIRMAN EWAN: They could meet with their lawyer on
45 the way up.

46

47 MR. BOYD: That could be all day, you know.

48

49 MR. LOHSE: Why don't we have Carol call when they get
50 to Anchorage.

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1 MR. BOYD: Yes, and that would be what we should do
2 probably.

3
4 MR. LOHSE: Have Carol call when they get to Anchorage
5 and see if they would be willing to do it by phone.

6
7 MS. EAKON: Okay.

8
9 MR. LOHSE: I mean if they're not comfortable to do it
10 by phone then, you know.

11
12 CHAIRMAN EWAN: Okay, that's fine with everybody, okay.
13 Proposal 36.

14
15 MS. EAKON: Proposal 36 would modify season and harvest
16 limit for caribou in Unit 13 and Robert Willis is the lead.

17
18 MR. WILLIS: Thank you, Helga. Proposal 36 was
19 submitted by the Copper River Native Association at the request
20 of the Subsistence office Staff in order to put into a
21 permanent regulation a season extension which has been dealt
22 with through special action by the Board the last two years.
23 The Council dealt with this by special action last fall so
24 you're probably pretty familiar with it but I'll briefly recap
25 the situation with the Nelchina herd.

26
27 The herd began to decline in the 1970s and through the
28 1980s and significant restrictions were placed on the harvest
29 by the Department of Fish and Game. During the '90s the herd
30 responded and began to increase to the point where a few years
31 ago it surpassed the management objective and it was in excess
32 of 40,000 animals for a few years. At that point it was in
33 danger of overgrazing its habitat and seasons and bag limits
34 were liberalized in order to, both, to take advantage in the
35 increase in opportunity and to prevent the heard from further
36 in damaging its range. In 1996, there was also a
37 non-subsistence hunt put in place for a female caribou and
38 young male caribou in order to help keep the herd down.

39
40 You'll remember at our fall meeting, Jeff Selinger with
41 ADF&G came to the meeting with some brand new information from
42 the survey that had just been conducted prior to the meeting.
43 And at that time he presented the information that the herd was
44 down to about 35,000, within the management objective. So a
45 decrease was thought to be primarily due to winter mortality
46 and to reduce calf production rather than to an increase in
47 harvest. And since both Jeff and Bob are there today, perhaps
48 we can get an update on the herd situation.

49
50 The subsistence users that we're dealing with here

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1 today are the residents of Units 11 and 13 and those residents
2 of Unit 12 who live along the Nabesna Road. This season
3 extension would put subsistence opportunity in permanent
4 regulation as we've done for the last two years under special
5 action.

6
7 Our preliminary conclusion is to support this proposal.
8 Although the herd is now down within the management objective,
9 it would be advantageous to try and keep it there. This
10 extension would increase subsistence hunting opportunity on
11 those Federal lands remaining in Unit 13, and also help
12 maintain the herd within the carrying capacity of the range in
13 the event that winter mortality and calf production for future
14 years is back up again.

15
16 That concludes the Staff analysis.

17
18 CHAIRMAN EWAN: Thank you, Robert. Are there any
19 questions for Robert? If not we'll go on to other agency
20 comments. Any agency comments?

21
22 MR. SELINGER: Thank you, Mr. Chair, members of the
23 Council. This is Jeff Selinger, Department of Fish and Game,
24 Glennallen. I believe Robert did a real nice job there kind of
25 reviewing everything, he indicated that you might want an
26 update of what the herd is doing. We haven't done any census
27 since last summer. We do have another census scheduled, it
28 will be late June, early July of this year. Pretty much he hit
29 everything right on the head.

30
31 There was a decrease in calves from '96 to the '97
32 census. The '96 census had 55 calves per 100 cows in late June
33 and early July. In last years census, that number was down to
34 39 calves per 100 cows. Those, and then there was a cow
35 harvest the previous year, probably increased winter mortality
36 and those were probably in a big part the reason for the
37 decline that we saw. The only thing that I'd like to add is
38 with the Federal land, even though it is very limited in 13, it
39 is right along the Richardson Highway, which is basically a
40 corridor that the caribou do use to migrate through. With the
41 way the Federal season is now, it's any two caribou. The State
42 season that's in place now, the Tier II system is for only bull
43 caribou. So if the caribou did happen to migrate across, en
44 mass, you know there are other actions we could take, you know,
45 with the State regulations, we would close the corridor if it
46 was going to provide a shoot-out type situation. And you know,
47 with the two caribou, either sex, hunters would not be required
48 to necessarily observe the animals as they would need with the
49 State season because they'd have to be sure they shot a bull
50 with the State season. And with the Federal season being open

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1 to any two caribou, you know, people would have more
2 opportunity to get the animals as they were crossing the road.
3 That would be the only concern that I could see if they came
4 across en mass, and the Federal regulations would go in place
5 with having a road closure along the corridor during a mass
6 migration, where there was a chance of a shoot-out right along
7 the highway, then, you know, we have no problems with the
8 proposal as is.

9
10 CHAIRMAN EWAN: Jeff, what we're doing here, I guess,
11 is opening it up a little earlier than before, right? It used
12 to be January 5 to March 31, before that, August 10 to
13 September 30. Do you know if we open from October 21 to March
14 31, there's a difference between October and January, where do
15 you think the caribou would be during that period?

16
17 MR. SELINGER: Well, what they've been doing the last
18 several years, their pattern has been to move out -- and it's
19 varied between years, the time of migration, between September
20 and November, somewhere in that time frame, the caribou tend to
21 move across the Richardson over into the Richardson Highway
22 heading east over towards Tetlin, Tok, and into Canada. And
23 depending a lot on snow conditions and winter conditions on
24 their winter range, they move back in the spring time. Last
25 year the movement back did not occur en mass really until April
26 after March 31st when the season was closed. In previous years
27 they have been known to come back in March. So with caribou,
28 it's anybody's guess.

29
30 CHAIRMAN EWAN: If they follow that pattern then they
31 would be out of Unit 13 then pretty much, yeah, during that
32 period?

33
34 MR. SELINGER: Generally from the late October period
35 to January, they are out of the unit. But they can be in here
36 in numbers depending on what they do that year.

37
38 CHAIRMAN EWAN: Thank you. Any other questions? Okay,
39 Ralph, go ahead.

40
41 MR. LOHSE: Yeah, basically what this is is about a two
42 and a half month extension on the season, on the front end of
43 the season. What you're saying is that there's a possibility
44 that you could have the mass migration go on during that time,
45 but not very probable?

46
47 MR. SELINGER: That's correct. Yeah, this year when
48 the main body of animals -- there was some animals that went
49 earlier and some animals that went later, a big group of
50 animals did migrate through there in mid-November. And it did

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1 include sections of Federal lands along the highway this year.
2 Last year that did not happen, they were out of the area by
3 October. The State season currently runs from August -- well,
4 it started with permits August 1st, but generally it's August,
5 with a Tier II August 1st to September 20. The only difference
6 is the Federal season runs until September 30th then it closes
7 down for the rut and opens up again on October 21st.

8
9 MR. LOHSE: The State season?

10
11 MR. SELINGER: The State season, and it goes from
12 October 21st to the end of March. Generally at that time the
13 caribou tend to be -- the big numbers of caribou tend to be out
14 of the unit at that time.

15
16 MR. LOHSE: So there is a State season from October
17 21st to March 31st, but it's bulls only?

18
19 MR. SELINGER: Correct. It's a Tier-II subsistence
20 season and it's bulls only.

21
22 CHAIRMAN EWAN: Let me ask about the Mentasta herd.
23 would they be over in 13 about that time?

24
25 MR. SELINGER: The Mentasta's tend not to be in Unit
26 13, they tend to stay in Unit 11 and they might cross through a
27 segment of 13(C) as they move over towards Unit 12. My
28 understanding this year is the majority of the Mentasta stayed
29 in Unit 11. And you'd have to ask Carl or somebody from the --
30 they track those animals and they have a better indication.

31
32 CHAIRMAN EWAN: Are there some caribou that stay in
33 Unit 13?

34
35 MR. SELINGER: Yes, there are. It seems every year,
36 you know, they're scattered small groups is what they tend to
37 be scattered, from Lake Louise, Little Nelchina, over, you
38 know, around Paxton, Meyers Lakes and some in 13(C), some
39 around Crosswind this year. So they tend to be scattered small
40 groups though.

41
42 CHAIRMAN EWAN: Are there other harvests then in
43 January and February?

44
45 MR. SELINGER: Our reports that we get, very little, if
46 any. You know it's hard for us to tell that right now because
47 what happens is our reports that we get back have how many
48 report cards were turned in at that time and that doesn't
49 necessarily mean those animals were taken at that time.
50 However, I have heard of caribou being sighted and people going

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1 out after them and, you know, I think that the take is very
2 small. Historically there have been a good number of animals
3 in Unit 13 during the winter period, but that hasn't occurred
4 recently since the herd's been increasing.

5

6 CHAIRMAN EWAN: Thank you. Who proposed this, CRNA?
7 Gloria, we're considering Proposal 36, do you have any comment
8 on it?

9

10 MS. STICKWAN: (No audible response)

11

12 CHAIRMAN EWAN: Do we have any written comments?

13

14 MS. EAKON: Yes, Mr. Chairman. The recommendation of
15 Eastern Interior Regional Council is to support the Staff
16 recommendation.

17 The Denali Subsistence Resource Commission supports Proposal
18 36 as written by unanimous vote. And that concludes the
19 written comments.

20

21 CHAIRMAN EWAN: Yeah, the question I have in my mind is
22 what we're trying to do here, are we helping anybody, I hope we
23 are. If the caribou in the past have been out of the unit,
24 then what are we doing, we're doing nothing practically. But
25 if they are in Unit 13 I would like to see this proposal
26 adopted. Gloria, did you hear Jeff say that in that last year
27 or so, during this period that you're proposing, the caribou
28 were out of Unit 13?

29

30 MS. STICKWAN: Yeah. We just wanted to extend the
31 season, have another season date. They have to cut back a
32 season, maybe they could cut that season back in the future.

33

34 CHAIRMAN EWAN: Okay. I have no problem with that. I
35 just wanted to know if you were aware that the caribou were out
36 of the area.

37

38 MS. STICKWAN: Yeah. And I know they're not good to
39 hunt then and nobody will hunt them but it just gives us an
40 extra season too.

41

42 CHAIRMAN EWAN: Yes, Ralph.

43

44 MR. LOHSE: Mr. Chair, there's another thing, if the
45 State has a season at that time, evidently the State feels that
46 there is enough caribou around or that there is an opportunity
47 for caribou to be around to have a State hunting season on it.
48 So while it's not consistent that there would be caribou there,
49 there's the opportunity that they might be there.

50

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1 We're dealing with, just again, a small amount of
2 Federal land right there, so it's going to actually cause --
3 currently, correct me if I'm wrong on this now, currently the
4 State season is on both State land and Federal land?

5
6 MR. SELINGER: (Nods in the affirmative)

7
8 MR. LOHSE: So the opportunity to hunt in that area
9 under the State hunting season, bulls only, covers both State
10 and Federal land?

11
12 MR. SELINGER: It is a Tier-II hunt though, that should
13 be -- it's not a general hunt, it's a Tier-II hunt.

14
15 MR. LOHSE: Now, what kind of complications do you
16 have, and again this is not my -- I haven't had anything to do
17 with that kind of a hunt up there, but I know that small blocks
18 of Federal land mixed with State land, that basically on the
19 Federal land then there would be any sex season?

20
21 MR. SELINGER: For two caribou.

22
23 MR. LOHSE: For two caribou, which is what it currently
24 is, too, isn't it? I mean the current Federal season -- how
25 much complication do you have between people unknowingly
26 violating the law due to the fact that they think they can get
27 two caribou of any sex and the next thing they know they're
28 shooting on State land and they've shot a cow caribou?

29
30 MR. SELINGER: There have been reports of that
31 happening. And the protection officer would actually be a
32 better person to address that than myself. But I am aware that
33 it happens, whether it happens to a great extent, I do not
34 think that it's occurring to a great extent, but it does
35 happen.

36
37 MR. LOHSE: It just seems to me like this winter I saw
38 a lot of -- in the Copper Basin News or whatever that newspaper
39 is, I saw a lot of.....

40
41 CHAIRMAN EWAN: Violations.

42
43 MR. LOHSE:violations where somebody shot.....

44
45 CHAIRMAN EWAN: A wrong sex.

46
47 MR. LOHSE:a wrong sex, a cow where it was only
48 bulls only or something like that. And I just wondered if
49 we're causing a problem by doing something like this. If it's,
50 you know, I mean that it seemed like it was enough of a problem

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1 that it was in the newspaper fairly frequently.

2

3 MR. SELINGER: Like I say, it does occur. Whether it's
4 a significant number of animals that are taken on those -- on
5 the State land under a Federal permit, you know, I can't answer
6 whether it's a significant number or not or whether it's
7 detrimental to the herd or not. But I know that it does occur
8 and you know, there's always that potential problem when you
9 have State lands, you know, there's not nice straight lines out
10 in the woods where State land starts and Federal ends or
11 whatever. So it -- there is a potential, I'll say that. But I
12 don't know if it would be to a great extent.

13

14 MR. LOHSE: It might not be detrimental to the herd,
15 but it's definitely detrimental to the individual subsistence
16 hunter that took the wrong sex caribou on the wrong side of the
17 line, you know. Thank you.

18

19 CHAIRMAN EWAN: Ralph, I'm glad you brought that up
20 because I hadn't thought about it, but I did read the stuff in
21 the Copper River Journal, yeah, there is a problem there,
22 definitely.

23

24 MR. BOYD: I guess I would just caution to say that
25 it's hard to know whether the discrepancy and two regulations
26 is actually causing an increase in the violations. I mean even
27 if you brought them together and made them the same, you might
28 still have the same number or close to the same number of
29 violations. We just can't tell.

30

31 MR. LOHSE: Yeah.

32

33 MR. SELINGER: Yes, Bob, just reminded me of a very
34 important point on the number of violations you saw this year.
35 Part of the problem was is we did have Tier-I and Tier-II
36 season going this year from on the State season. And the Tier-
37 I was aimed at cows. We also included young bulls in there
38 because they're very difficult to tell apart a lot of times.
39 What we did was after we got our census information back, we
40 wound up eliminating the Tier-I portion of the State hunt this
41 year and just aimed at the cows. Unfortunately, we made a
42 mistake and did not get the information out appropriately. We
43 didn't advertise it in the papers and over the radio, however,
44 we did not necessarily get out posters to a lot of the
45 different places where we could have had them in place and had
46 people better informed that the Tier-I portion was closed. So
47 that's what some of those violations could have been related
48 that you saw in the paper.

49

50 MR. LOHSE: So the violations could have been related

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1 more to the two State seasons than they were related to the
2 State and Federal?

3
4 MR. SELINGER: Correct, yes.

5
6 CHAIRMAN EWAN: Thank you. We're down to public
7 comment, do we have any public comment? Do we have written
8 comment?

9
10 MS. EAKON: Yes. The recommendation of Eastern
11 Interior Regional Council is to support Staff recommendation.
12 The Denali SRC supports Proposal 36 as written by unanimous
13 vote. And that concludes the written comments.

14
15 CHAIRMAN EWAN: No public comments, we'll get down to
16 Regional Council recommendation/justification. Ralph.

17
18 MR. LOHSE: Mr. Chair, I'd like to just make a motion
19 that we accept Proposal 36 as written.

20
21 MR. F. JOHN: I second.

22
23 CHAIRMAN EWAN: There's a motion and second to adopt
24 Proposal 36. Any further discussion on the motion?

25
26 MR. DEMENTI: Question.

27
28 CHAIRMAN. EWAN: Question's called for. All in favor
29 say aye.

30
31 IN UNISON: Aye.

32
33 CHAIRMAN EWAN: Opposed by the same sign.

34
35 (No opposing votes)

36
37 CHAIRMAN EWAN: Motion is carried. I would like to
38 take a short break here, five minutes.

39
40 (Off record - 9:27 a.m.)

41
42 (On record - 9:39 a.m.)

43
44 CHAIRMAN EWAN: I'll call the meeting back to order.
45 The next proposal is 37. Helga.

46
47 MS. EAKON: Proposal 37 submitted by Healy Lake
48 Traditional Council requests a positive customary and
49 traditional use determination for moose in Unit 13 for
50 residents of Healy Lake. Rachel.

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1 MS. MASON: Thank you, Helga. This is one of a number
2 of proposals that were submitted by the Healy Lake Traditional
3 Council. And previously, the Federal Subsistence Board has
4 considered the question of c&t for Healy Lake. And although
5 the Eastern Interior Regional Council supported Healy Lake's
6 request, there has generally been a lack of information about
7 the Healy Lake patterns. And each year for several years, the
8 Federal Subsistence Board has deferred action on the proposals.
9 And this year, for the first time, there is an attempt to look
10 at all the proposals and gather more information about Healy
11 Lake.

12
13 To-date, there is no specific c&t for Healy Lake in any
14 c&t determination. You just acted on one that would give Healy
15 lake specifically a c&t for caribou. As for moose, currently
16 they are, as rural residents of Unit 20(D) eligible to harvest
17 moose in Units 20(D) and in 20(E). There is some information
18 here giving cultural context and basically, what this
19 establishes is that there are many connections between Healy
20 Lake and other Tanacross or Upper Tanana communities through
21 language, by kinship, there are trails, two neighboring groups
22 that were used for trade, and similar ecological adaptation to
23 the Athabascan groups in the Upper Tanana area.

24
25 So this provides a basis to support using the example
26 of other Upper Tanana communities and their use of moose and
27 other resource harvests as a comparison with Healy Lake. So
28 given that, there is data to show that moose have been a major
29 component of the wild resources harvested by Upper Tanana
30 communities and so it can be assumed that the same is true of
31 Healy Lake. Also by extension, we can use ethnographic or
32 archeological evidence about other Upper Tanana communities to
33 suggest that moose are generally harvested within 20 miles of
34 the community. But there are some variations and in some
35 cases, people from these groups have traveled more than 40
36 miles to harvest moose. And there are some people in temporary
37 times who used the road system to harvest moose and so it would
38 -- I think that would make it a much wider area in which moose
39 was harvested.

40
41 With that in mind, the preliminary conclusion was that
42 Healy Lake should not be granted a positive c&t for moose in
43 Unit 13. And the justification is that there -- the data
44 suggests that Healy Lake is remote, heavily dependent on
45 harvest of natural resources. It's clear that there is -- that
46 moose is a very important resource for Healy Lake, but
47 nevertheless, Healy Lake is a considerable distance from Unit
48 13. And so there is no information that has been collected
49 that Healy Lake residents have gone as far as Unit 13 to get
50 moose. So I'll leave it at that and see if there's any

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1 questions.

2

3 CHAIRMAN EWAN: Thank you. Any agency comments? No
4 agency comments. Any written comments?

5

6 MS. EAKON: Yes, Mr. Chair. The recommendation of
7 Eastern Interior Regional Council is to defer the proposal
8 pending clarification with proponent on their request. And the
9 Upper Tanana Fortymile Fish and Game Advisory Committee
10 supports Proposal 37. End of comments.

11

12 CHAIRMAN EWAN: Thank you. Any public testimony?

13 Gloria.

14

15 MS. STICKWAN: Gloria Stickwan. I support them for
16 having -- probably in the northern part of 13(B) and
17 northeastern part of 13(C) because they're borderline. That's
18 right in their -- but I don't support them having -- being able
19 to have c&t for Unit 13. It's Ahtna's traditional territory,
20 and they shouldn't be able to hunt in our territory. Maybe
21 through intermarriages they may have -- they may show that
22 there is use, but it's traditionally Ahtna territory. It's not
23 Upper Tanana territory. And Unit 13 is heavily impacted
24 enough. To add another unit to come into our area is hunt is
25 just going to make it that more impacted. More people from
26 that area will be hunting in Unit 13.

27

28 CHAIRMAN EWAN: You have a question, Ralph?

29

30 MR. LOHSE: Gloria, do I understand right that 13(B)
31 and 13(C) borders them and that that area would be traditional
32 hunting area for them but the rest of it.....

33

34 MS. STICKWAN: Right. In the northern part of it
35 probably.

36

37 MR. LOHSE: Just the northern part of 13(B) and (C)?

38

39 MS. STICKWAN: Northeastern -- the northeastern part of
40 Unit 13(C) maybe. The northern part of 13(B).

41

42 MR. LOHSE: But not the entire 13(B) and 13(C)?

43

44 MS. STICKWAN: No. That's not their -- that's Ahtna
45 territory -- traditional Ahtna hunting territory. They don't
46 have customary and traditional use, only through marriage
47 maybe. Maybe in those areas I'm saying they probably hunted,
48 the northern part of it, but not for the whole unit of 13.

49

50 CHAIRMAN EWAN: Okay, any other public testimony on

00161

1 Proposal 37? If not, we'll get down to Regional Council
2 recommendation and justification. Myself, I'll go along with
3 the Staff recommendation. I don't think we have enough
4 information from my standpoint, although I agree with Gloria,
5 they may have used the upper part of the Unit 13, I think
6 that's too broad to give them a c&t determination for a full
7 unit, all of Unit 13.

8
9 MR. F. JOHN: I agree with you. I kind of want to go
10 with Staff recommendation. I think they got the moose up
11 there, I think they got enough up in their area to support them
12 -- caribou, it's a migrating -- Nelchina herd, so to me that's
13 kind of different.

14
15 CHAIRMAN EWAN: Make a motion to adopt the Staff
16 recommendation.

17
18 MR. DEMENTI: I make a motion to adopt the Staff
19 recommendation.

20
21 CHAIRMAN EWAN: Is there a second?

22
23 MR. LOHSE: I'll second it.

24
25 CHAIRMAN EWAN: There's a motion and second. Any
26 further discussion on the motion? It appears that, you know,
27 there's a little hesitation because you don't know about that
28 area. I do -- I'm from the people up in that area there and I
29 don't think we'll be hurting anybody real bad by going along
30 with the Staff recommendation. I don't think they hunt in Unit
31 13 as much as -- that much, in my opinion. Just as we don't go
32 up into their area to hunt, people from down in Unit -- along
33 the highway hunt -- we have sufficient area to hunt and they do
34 also up in that area. So I don't think there's going to be any
35 harm done here.

36
37 Any further discussion on the motion?

38
39 MR. F. JOHN: Question.

40
41 CHAIRMAN EWAN: Question's been called for. All in
42 favor of adopting Staff recommendation -- that is -- could you
43 read it one more time what you recommended?

44
45 MS. MASON: At this time, the residents of Healy Lake
46 should not be granted a positive c&t determination for moose in
47 Unit 13.

48
49 CHAIRMAN EWAN: Okay. All in favor of adopting that
50 recommendation say aye.

00162

1 IN UNISON: Aye.

2

3 CHAIRMAN EWAN: Opposed by the same sign.

4

5 (No opposing votes)

6

7 CHAIRMAN EWAN: Motion is carried. Next proposal.

8

9 MS. EAKON: Proposal 38 would add Dan O'Connor to those
10 having customary and traditional use determination for moose in
11 Unit 13(E), that's E as in eagle and 20(C), C as in Charlie.
12 Janice Meldrum of National Park Service is the presenter.

13

14 MS. MELDRUM: Janice Meldrum, National Park Service.
15 Proposal 38 was submitted by Dan O'Connor in March of last
16 year. He submitted a letter to the Federal Subsistence Board
17 requesting that he be given an individual customary and
18 traditional use determination for moose on Federal lands in
19 Denali National Park, which includes Units 13(E) and 20.

20

21 Dan O'Connor holds a National Park Service subsistence
22 use permit, one we commonly refer to as a 1344 permit.
23 However, he hasn't been able to harvest moose on Denali Lands
24 or other Federal lands since he resides in the community of
25 Healy which does not have a positive customary and traditional
26 use determination for moose. So this proposal is a little
27 different than other c&t determinations that you've dealt with
28 in the past because it involves an individual.

29

30 The Federal Subsistence Board normally makes c&t
31 determinations for fish and wildlife based on the past use of a
32 community or area. But on National Park Service lands, the
33 Federal Board may make customary and traditional use
34 determinations for fish and wildlife populations on an
35 individual basis. This provision within the Federal
36 subsistence management regulations was provided to accommodate
37 local rural subsistence users who are eligible to hunt on Park
38 and Monument lands but happen to reside in rural communities or
39 areas where they don't have a positive customary and
40 traditional use determination. This provision of the
41 regulation has not been used before. It's the first proposal
42 that came forward for this individual exception.

43

44 There has been no process developed on how to evaluate
45 this type of individual c&t determination. So the analysis
46 that follows come from work that the Park Service staff has
47 done over the last four or five months with Dan O'Connor on
48 several occasions, where he was interviewed over the phone or
49 in person. And essentially we tried to use the eight factor
50 analysis that's used for community and area determinations in

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1 order to look at his use of moose in Denali National Park.

2

3 There are two other proposals that came forward this
4 year. They were submitted by Frank Entsminger, and those
5 involve individual c&t determinations as well. One is for
6 sheep in Unit 11 and the other is for goat in Unit 11, and
7 there were seven families named, individuals or families named.
8 Those were deferred this year, but they're -- although Dan
9 O'Connor's was the first to come in it looks like there are
10 more that we will be dealing with next year.

11

12 I'd like to go through a little bit of the eight factor
13 analysis just to give you an idea how it works for the
14 individual so that you can make your decision and I'll try not
15 to spend too much time on it. The O'Connor families, which
16 consist of the father, Pat O'Connor and then the son, Dan
17 O'Connor and his children have depended on moose in Alaska as
18 their primary source of food for four generations. They have
19 regularly and consistently hunted moose in Alaska for the past
20 57 years in both Units 13 and Unit 20. Dan O'Connor's
21 grandfather came to Alaska in 1940 and he actively hunted moose
22 in Units 13 and 14, which Unit 14 is around the Anchorage and
23 Palmer area. I think he actually resided in Palmer when he
24 first came to Alaska. Dan's father, Pat, hunted for moose
25 beginning in 1948 and has continued that pattern of use through
26 the present day. Dan has participated in moose hunting since
27 he was a young child and he has actively hunted himself every
28 year since 1971. Dan is an eligible subsistence user residing
29 in McKinley Village just off the east end of the Park before he
30 moved to Healy in 1981, and that's where he now resides.

31

32 While in McKinley Village, Dan lived with his father,
33 Pat O'Connor and was a subsistence user in that household. He
34 established his own household in Healy and he was issued a 1344
35 or subsistence use permit to hunt in the National Park at that
36 time when he split off and started his own residence. He has
37 personally harvested moose every year during the fall season
38 since 1940. The family hunts and traps all year, depending on
39 the seasons for furbearers and other species that are open and
40 he has documented use of marten, ptarmigan, spruce hen, hare,
41 bear, caribou and sheep. Fall moose hunting activities have
42 always been a regular family event despite numerous regulatory
43 changes and restrictions and closures that have effected many
44 of the traditional seasons and use areas that he has used.

45

46 Dan accesses hunting areas primarily by ground methods
47 that are available to him in the local area and these access
48 methods are characterized by efficiency and economy of effort.
49 The O'Connor's hunted and harvested moose near their community
50 in Unit 13(E), 20(C) and Unit 14. They hunt primarily in Unit

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1 13 during the early years of the 1940s, the 1950s and the 1960s
2 and then shifted their primary use areas to Unit 20 and have
3 been utilizing Unit 20 for the past 15 to 20 years. A major
4 change occurred in 1988 when the State Board of Game passed a
5 negative customary and traditional use determination closing
6 Federal lands in Unit 20(C), which are primarily Denali
7 National Park to subsistence moose hunting for residents of
8 McKinley Village and the area along the Parks Highway between
9 Mile Post 216 and 239. And as a result, from 1988 to the
10 present, Dan O'Connor's family has not been able to hunt moose
11 in Denali National Park in Unit 20(C) or 13(E). During this
12 period, the family was forced travel further from their home of
13 McKinley Village and Healy to hunt on adjacent State lands
14 under sport hunting seasons.

15
16 Dan O'Connor's grandparents learned their hunting
17 skills in Alaska in the Palmer and Glennallen area. And Dan,
18 as a young boy, accompanied his father and mother often with
19 other relatives long before he was actually old enough to hunt
20 himself. He has hunted moose every year since he was 10 years
21 old and continues these traditions with his family and his
22 children.

23
24 In terms of sharing, they have shared their harvested
25 resources between family members and between non-family members
26 who participate in the hunts with the family. And they
27 traditionally share their moose at annual community events such
28 as potlatches, holidays and other social gatherings. Moose are
29 still used by the O'Connor family as a primary source of meat,
30 but the family utilizes a wide variety of subsistence resources
31 in the area, such as caribou, sheep, bear, ptarmigan, hen,
32 hares, fish and furbearers. Often multiple generations and
33 several O'Connor households participate in fall hunting
34 activities and the process of bringing the meat back from the
35 field. Approximately 85 percent of Dan O'Connor's family meat
36 comes from hunting and typically wild land resources provide
37 five meals out of seven days per week.

38
39 In conclusion, the testimony given by Dan O'Connor and
40 Pat O'Connor provided adequate documentation in the Park
41 Service's view that Dan O'Connor has a customary and
42 traditional use and harvested moose from the Denali National
43 Park area. His family relies on a wide variety of resources
44 and they have a long-term traditional of harvesting resources
45 in this area. And therefore, the Denali National Park supports
46 this proposal and they believe that Dan O'Connor and his family
47 should be granted an individual c&t exception for harvest of
48 moose in Denali National Park within Units 13(E) and 20(C).

49

50 CHAIRMAN EWAN: Ralph.

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1 MR. LOHSE: This applies only inside -- this is
2 basically for a Park designation, this is only applying inside
3 the Park?

4
5 MS. MELDRUM: Right.

6
7 MR. LOHSE: So basically what he has done is showed --
8 his 1344 doesn't automatically make him eligible for this in
9 the Park?

10
11 MS. MELDRUM: No. The 1344 permit is basically a
12 determination that you have harvested subsistence resources in
13 the Park, but it's not specific as to species. It basically
14 adopts the customary and traditional use determinations in the
15 Federal regulations. So in this case, since there wasn't a c&t
16 determination, the permit gave him no ability to hunt.

17
18 MR. LOHSE: No ability to hunt moose in the Park where
19 he previously had taken moose?

20
21 MS. MELDRUM: Right.

22
23 CHAIRMAN EWAN: But when he lived in McKinley Village
24 he was eligible to hunt; is that correct?

25
26 MS. MELDRUM: No. Well, McKinley Village has not had a
27 positive c&t determination since 1988 when the State changed
28 their determination. So prior to 1988 he was able to hunt, and
29 that's what he's based -- we've based most of his eligibility
30 on. Because he had no ability after that.

31
32 MR. LOHSE: So this wouldn't give him c&t any place
33 other than in the Park? This is strictly for Park
34 administrative purposes, right?

35
36 MS. MELDRUM: Right. But the individual c&t exception
37 is in the 50 CFR Federal Subsistence Management Regulations,
38 that's why it's brought before you for decision. At this
39 point, the Park Service can't make that decision on their own.

40
41 MR. DEMENTI: Can I ask a question?

42
43 CHAIRMAN EWAN: Go ahead.

44
45 MR. DEMENTI: Can anybody that used to live in the
46 area, can they submit an application to the Park?

47
48 MS. MELDRUM: A person can ask the Park Service for a
49 1344 permit if they need to have one and we can issue that.
50 But if they're living in a community such as Healy or McKinley

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1 Village or somewhere along the road where they don't currently
2 have a positive c&t determination, they would have to go to the
3 Federal Board to ask for that. That individual c&t.

4

5 CHAIRMAN EWAN: They also have to be in a resident zone
6 community, don't they?

7

8 MS. MELDRUM: Well, if they're -- the 1344 permit would
9 be issued to people outside. And Healy's not a resident zone,
10 so that's why Dan has the 1344 permit.

11

12 MR. LOHSE: Mr. Chair.

13

14 CHAIRMAN EWAN: Yes.

15

16 MR. LOHSE: Then from what I understand then, this is
17 the beginning of a process. Basically we have other
18 individuals who have prior use in the Parks that we're going to
19 be going through their applications for Park, and this is
20 strictly a Park thing, this is not outside of the Park?

21

22 MS. MELDRUM: Right.

23

24 MR. LOHSE: This is for Park administrative purposes?

25

26 MS. MELDRUM: Right. That portion of the regulation
27 only applies to National Park Service lands, no other Federal
28 lands.

29

30 CHAIRMAN EWAN: Any other questions? Thank you. Did
31 you have another question?

32

33 MR. LOHSE: I was just going to ask her, and all
34 applicants would then have to go through basically the same
35 eight step criteria? What we're doing is setting up a process,
36 that they're going to have to show use in this eight step
37 criteria for their individual Park permit?

38

39 MS. MELDRUM: Um-hum. Well, some people -- the seven
40 individual or families who have applied for individual c&t
41 exception for the Wrangells area, the two proposals that were
42 deferred, some of those people have 1344 permits for Wrangell-
43 St. Elias, in which case we would have to do some additional
44 work with them to make a determination about their individual
45 c&t but they've gone through, you know, some -- part of the
46 work already in order for us to issue their permit. However,
47 not everybody -- not all of those seven individuals or families
48 are 1344 permit holders. Some of those people actually live in
49 resident zone communities and they're asking for a larger
50 customary and traditional use area than they currently have in

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1 their community. Many of those people live in Tok, and Tok can
2 hunt to the Sanford River, north of the Sanford River in Unit
3 11 and they're asking for an extension beyond that. But
4 they're not currently 1344 permit holders, so we probably will
5 have to spend a little extra time with them since they haven't
6 ever really provided any information in the past.

7
8 CHAIRMAN EWAN: I don't know if you can answer this
9 question, but my question is about the nonrural designation for
10 McKinley Villages and those communities there. I mean what
11 criteria was used for that determination?

12
13 MS. MELDRUM: I think one of the State people would
14 have to talk to you about that.

15
16 CHAIRMAN EWAN: Anybody here know?

17
18 MR. SELINGER: (Shakes head negatively)

19
20 CHAIRMAN EWAN: It seems to me like McKinley Village is
21 a very small community and should have been designated a rural
22 community. I don't know -- I don't understand that.

23
24 MS. MELDRUM: Well, it's rural under the Federal
25 program. It was just a State determination.

26
27 CHAIRMAN EWAN: Is that right?

28
29 MS. MELDRUM: Yeah. Which originally kind of threw
30 them out of the -- they couldn't hunt.

31
32 CHAIRMAN EWAN: But we adopted it, didn't we?

33
34 MS. MELDRUM: No, not their rural.....

35
36 CHAIRMAN EWAN: That's what changed this whole thing as
37 I was reading this, back in 1987, was -- the Alaska Board of
38 Game passed a nonrural determination for that area there, and I
39 guess to me that's what changed.....

40
41 MS. MELDRUM: Well, that was the first thing that
42 happened to them.

43
44 CHAIRMAN EWAN: Their ability to hunt in the Parks
45 before -- prior to that there were 10 individuals that had
46 applied for a permit and did get permits until 1987.

47
48 MS. MELDRUM: Yeah, those people were allowed to hunt
49 and then when the State decided that area was nonrural, then
50 they weren't allowed to hunt in the Park anymore. And then in

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1 1990 when the Federal government made rural determinations or
2 in '91, the area was considered rural again but they still
3 didn't have a customary and traditional use determination. So
4 that was the beginning of the problems that people had in that
5 area, was that initial nonrural determination, and it's really
6 continued -- there was one missing piece all the way from 1987
7 through now.

8
9 CHAIRMAN EWAN: I'm thinking more about the community
10 than the individual, that's why I'm asking these questions.

11
12 MS. MELDRUM: Last year, maybe some of you remember
13 this better than I, but last year, Proposal 19 had to with this
14 area, Mile Post.....

15
16 MS. MASON: It was '96.

17
18 MS. MELDRUM: '96?

19
20 MS. MASON: Yeah.

21
22 MS. MELDRUM: And I think McKinley Village was
23 discussed at that time and I think a lot of people felt that
24 the community was quite transient because it was mostly Park
25 Service people and there was a -- I think people made a
26 conscious decision that they didn't qualify because of the
27 transient nature of a lot of those people.

28
29 CHAIRMAN EWAN: Well, you answered the other question
30 that was in my mind. Ralph.

31
32 MR. LOHSE: The other question that I have -- well, in
33 this case right here, the way I read it if he would have stayed
34 in McKinley Village, then he would have customary and
35 traditional because there was reauthorized McKinley as to have
36 customary and traditional use. Basically he moved, am I wrong
37 in what I'm.....

38
39 MS. MELDRUM: I don't think McKinley Village.....

40
41 MR. LOHSE: Well, in 1987, the State Game Board passed
42 a negative determination for subsistence use of moose and
43 wildlife in Unit 20(C) for McKinley Village and Healy area, so
44 the Federal Subsistence Board recently reviewed the State's
45 determination and reauthorized McKinley Village and the Park's
46 Highway from Mile Post 216 to 239 to have customary and
47 traditional use of moose in Unit 20(C) and 13(E). So as long
48 as he stayed in McKinley Village, he had customary and
49 traditional use because.....

50

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1 MS. MELDRUM: Yeah.

2

3 MR. LOHSE: So basically what he did is he moved out of
4 an area that had customary and traditional use into an area
5 that doesn't have customary and traditional use. In this case
6 it's not a very far jump, but it would be not much different
7 than -- I mean if you want to look at it from a legal
8 standpoint, it wouldn't be that much different than if you give
9 him an individual customary and traditional use, then he can
10 make the next jump and move to Anchorage.

11

12 CHAIRMAN EWAN: That's what was in my mind.

13

14 MR. LOHSE: I mean, am I right in following it through
15 that way?

16

17 MS. MELDRUM: Well.....

18

19 MR. LOHSE: Or am I missing something?

20

21 MS. MELDRUM: He wouldn't qualify if he was in
22 Anchorage but there are some other possibilities.

23

24 CHAIRMAN EWAN: Let me state this before you go ahead
25 and answer Ralph's question. This is along the same line, I
26 think we're setting a precedent here. In the future I could --
27 originally from Gulkana, I could be moving somewhere else and
28 still be eligible. I mean are we opening it up for everybody
29 to move around and still be eligible in certain areas, I'm just
30 wondering about that? Yeah, go ahead.

31

32 MR. GERHARD: To answer your question, the analogy is
33 almost correct, except that if he moves to Anchorage, he would
34 no longer be a rural resident.

35

36 CHAIRMAN EWAN: Okay.

37

38 MR. GERHARD: And the subsistence priority would
39 disappear.

40

41 MR. LOHSE: But he could move to Cordova for example?

42

43 MR. GERHARD: Right. He could move to Cordova, yes.
44 Although there's one other restriction on subsistence in the
45 National Parks and Monuments, and that's subsistence is to be
46 done without the use of aircraft. So it's a tough reach to get
47 from Cordova to Denali without using an aircraft, although it
48 can be done.

49

50 MR. LOHSE: Well, it would be no harder to get to

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1 Denali -- I mean it would be harder, but it's no different than
2 getting there from Glennallen or someplace, I mean you could
3 drive.

4
5 MR. GERHARD: That's correct.
6

7 MR. LOHSE: So technically speaking though, once you
8 had an individual c&t like that, you could move totally out of
9 the area and as long as you maintained your rural status you
10 would have c&t in the Park?

11
12 MR. GERHARD: As long as the 1344 permit was valid,
13 yes.

14
15 MR. LOHSE: Okay. So you have to maintain your 1344
16 permit?

17
18 MR. GERHARD: Yes.

19
20 MS. MELDRUM: But the 1344 permit becomes invalid if
21 you move.

22
23 MR. LOHSE: Okay. Okay.

24
25 MR. GERHARD: The 1344 permit is actually a definition
26 of who is a local rural resident of the Park. We have two
27 methods of determining local residency and that is either you
28 live in a resident zone or you have a 1344 permit.

29
30 MR. LOHSE: Okay.

31
32 MR. GERHARD: So it's not likely that someone who's no
33 longer local would be able to retain a 1344 permit.

34
35 MR. LOHSE: So the 1344 permit is still authorized for
36 Healy area?

37
38 MR. GERHARD: The determination was made in that case.

39
40 MR. LOHSE: Yeah.

41
42 MR. GERHARD: That individual case, yes, that is still
43 local.

44
45 MR. LOHSE: Okay. So he's still classed as local
46 resident, if he moved out of the local area, he wouldn't be
47 classed for a 1344, his customary and traditional wouldn't mean
48 anything?

49
50 MR. GERHARD: That's correct.

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1 MR. LOHSE: Okay. That's -- see, that's the problem
2 that I was seeing that you could literally give somebody an
3 individual customary and traditional and they could move out of
4 the area and then still come back into the area, but you can't.
5 It won't work that way?

6
7 MR. GERHARD: As I said, that's a definition of a local
8 rural resident.

9
10 MR. LOHSE: Okay.

11
12 MR. GERHARD: That's the terminology. And ANILCA
13 treated the Parks and Monuments differently in using that word
14 local in our authorization.

15
16 MR. LOHSE: Okay. So this is for a local rural
17 resident who has a 1344 who has previous -- demonstrated
18 previous history and applies only in the Park?

19
20 MR. GERHARD: Yes. There's some specific language in
21 the legislative history of ANILCA, a senate report that speaks
22 to the perpetuation of those people who have a personal or
23 family history of subsistence in the Park or Monument. That's
24 where we have taken those regulations from. So it's people
25 with a personal or a family history that should be allowed to
26 continue that subsistence activity.

27
28 MR. LOHSE: At such time as which they move out, that
29 their customary and traditional would not follow with them?

30
31 MR GERHARD: That's correct.

32
33 MS. MELDRUM: See if he had moved into a resident zone,
34 he wouldn't have had any problem.

35
36 MR. LOHSE: Right. I mean if he would have stayed in
37 McKinley Village he would have had no problem, but by moving
38 down the road to Healy, he did.

39
40 MR. GERHARD: That's correct.

41
42 MR. LOHSE: Okay.

43
44 MR. OSKOLKOFF: I have a question.

45
46 CHAIRMAN EWAN: Yes, Gary.

47
48 MR. OSKOLKOFF: The 1344 I'm not familiar with. IS
49 that an annual reauthorization?

50

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1 MS. MELDRUM: No, they're issued for your lifetime, but
2 if you move to another community, you have to be reevaluated,
3 otherwise it's issued for you and your household for your life.

4
5 MR. OSKOLKOFF: What triggers a reevaluation?

6
7 MS. MELDRUM: Well, if you move. If your primary
8 permanent residence is in a new location then it would have to
9 be reevaluated and reissued.

10
11 MR. GERHARD: Any new information as said in the --
12 what was it, 1987, when we were operating under the State
13 subsistence program, the State said that McKinley Village was
14 no longer rural. Therefore, again, it was just like if those
15 people had lived in Anchorage, we could not issue a 1344
16 permit. So at that time we had to reevaluate and withdraw
17 those permits.

18
19 MS. MELDRUM: They could have kept their permits but
20 they would have been pretty useless.

21
22 MR. GERHARD: So they're issued until new information
23 is available, if people move out of the area, but otherwise,
24 they're just valid.

25
26 MR. OSKOLKOFF: Okay.

27
28 CHAIRMAN EWAN: Any other questions? If not, thank
29 you. We're down to other agency comments? No comments. Any
30 written comments?

31
32 MS. EAKON: The Western Interior Regional Council
33 supports Eastern Interior Regional Council's recommendation to
34 have all 1344 permittees be granted a positive individual c&t
35 determination for Units with Denali National Park. The Denali
36 Subsistence Resource Commission supports 38 as written as
37 stated in the Commissions letter to the Federal Subsistence
38 Board dated March 29, 1997, the Commission is familiar with the
39 O'Connor's family's subsistence use of moose resources from
40 Denali National Park and believes his request for an individual
41 exception to use moose from Park lands should be granted by
42 unanimous vote. End of comments.

43
44 CHAIRMAN EWAN: Thank you. Any public comment? If
45 not, we'll get down to Regional Council recommendation and
46 justification. Ralph.

47
48 MR. LOHSE: Mr. Chair, along with the Staff
49 recommendations and the recommendations of the Eastern Regional
50 Council and the Western Regional Council that deal with Denali

00173

1 Park, and the Denali SRC, I will support Proposal 38 and I make
2 a motion to that effect. I feel that this deals with Park land
3 and it deals with individuals who have to be local residents
4 and have to meet the eight point criteria, and the process has
5 been setup to do that for the -- I mean this is something
6 that's been setup to do. I feel that we should support this.

7

8 CHAIRMAN EWAN: Okay, there's a motion, is there a
9 second?

10

11 MR. OSKOLKOFF: I'll second it.

12

13 CHAIRMAN EWAN: Rosa, did you have a comment?

14

15 MS. MEEHAN: Mr. Chairman, I'd like to just put a
16 little clarification. I was at both the Eastern and Western
17 meeting, and what both those Councils did was -- this is just
18 to share information if you. Both Councils had a discussion
19 about putting individual names within the regulations. And in
20 both cases those two Councils were not comfortable with that,
21 and so what they wanted to do was to have the Federal program
22 recognize the 1344 process that the Park Service has already
23 done and see the Federal program just basically adopt those.
24 They did not put a qualification on it that it was just for
25 Denali Park. And so that was what I wanted to make sure that,
26 you know, you'd heard that.

27

28 MR. LOHSE: In other words, what they're saying is that
29 since the process of a 1344 is already in place, they would
30 prefer just to adopt that 1344 and for the applicable Parks,
31 use that in place of customary and traditional, instead of
32 giving individual family names, that way it would depend on the
33 individual holding a 1344?

34

35 MS. MEEHAN: Correct.

36

37 MR. LOHSE: And that way somebody couldn't, in the
38 future, argue that their family, their name carries some
39 weight, it was the 1344 that carries the weight?

40

41 MS. MEEHAN: Correct.

42

43 MR. LOHSE: I think that's a good idea myself. I would
44 amend my proposal to add that if the second will go along with
45 it.

46

47 MR. OSKOLKOFF: The second concurs.

48

49 CHAIRMAN EWAN: Make it a little broader, that we'll
50 allow others who qualify for 1344?

00174

1 MR. LOHSE: No, we're not allowing anybody else to
2 qualify for 1344. We're saying that the 1344.....

3
4 CHAIRMAN EWAN: I said if they did qualify, we're
5 allowing them.....

6
7 MR. LOHSE: Yeah.

8
9 CHAIRMAN EWAN:to.....

10
11 MR. LOHSE: That way we don't have to go through all
12 these all name by name and individual by individual. I agree
13 with Western and Interior on that.

14
15 CHAIRMAN EWAN: Any further discussion on the motion as
16 amended?

17
18 MR. F. JOHN: Question.

19
20 CHAIRMAN EWAN: Question is called for. All those in
21 favor of the motion -- so really we're voting on the motion as
22 amended?

23
24 MR. LOHSE: As amended.

25
26 CHAIRMAN EWAN: As amended, yes, okay.

27
28 MR. LOHSE: Or as restated, is that a better way to put
29 it? The motion is restated to say that we support.....

30
31 CHAIRMAN EWAN: It was formally made a motion to amend.

32
33 MR. LOHSE:this proposal with the modification
34 that all 1344 permittees be granted a positive and individual
35 c&t determination in the Parks.

36
37 CHAIRMAN EWAN: That is the motion that we're voting
38 on. All in favor say aye.

39
40 IN UNISON: Aye.

41
42 CHAIRMAN EWAN: Opposed by the same sign.

43
44 (No opposing votes)

45
46 CHAIRMAN EWAN: Motion is carried. Next proposal.

47
48 MS. EAKON: Just for your clarification, the way I read
49 to you, Western and Eastern's recommendation is verbatim from
50 the way their coordinator, Vince Mathews, gave it to me, okay.

00175

1 Okay. Proposal 39 was submitted by the Southcentral.....

2
3 MR. LOHSE: Mr. Chair.

4
5 CHAIRMAN EWAN: Yes.

6
7 MR. LOHSE: Helga, is that the same as what's written
8 on Page 226?

9
10 MS. EAKON: Yes.

11
12 MR. LOHSE: Okay, thank you.

13
14 MS. EAKON: Proposal 39 was submitted by the
15 Southcentral Regional Subsistence Advisory Council. And it
16 would create a moose season in Unit 15(A) extending from August
17 18 to September 20 with a harvest limit of one antlered bull
18 with spike-fork or 50-inch or greater antlers or with three or
19 more brow tines on either side by Federal registration permit
20 only. And the lead is Robert Willis.

21
22 MR. WILLIS: Thank you, Helga. Proposal 39 would
23 actually establish -- in the permanent regulation, the
24 currently existing season in subunit 15(A). This season was in
25 '97 and therefore expires June 30 of 1998. The current
26 regulation, as Helga said, is August 18 to September 20, spike-
27 fork or 50-inch antler restriction.

28
29 The population in Unit 15 is considered to be
30 relatively stable over the short term although it's declining
31 slowly over the long-term due to deterioration of the habitat.
32 We estimate roughly 3,000 moose on Refuge lands with a total
33 population in Unit 15 of 5,000 to 6,000. ADF&G hasn't yet
34 furnished us with the composition counts and harvest data for
35 1997, so the most recent data I have is from 1996. In November
36 of that year, the average bull/cow ratio, overall in Unit 15
37 was estimated at 27:100, calf/cow ratio was 35:100 and 22
38 percent calves in the population. On Refuge lands the bull/cow
39 ratio was somewhat higher at 38:100. These numbers indicate
40 healthy and relatively stable population.

41
42 We don't have harvest data for the general season for
43 1997, however, we do have the data for what we're dealing with
44 here. To back up one year, in 1996, we had 55 subsistence
45 hunters who obtained permits to hunt during the subsistence
46 only season in subunit 15(A) and 31 reported hunting. Actually
47 that was in all of Unit 15. We had a total of three bulls
48 harvested, one in subunit 15(B) and two in subunit 15(C).
49 During the past season, 1997, 40 hunters obtained permits and
50 28 hunt reports have been received. Again, we had a total of

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1 three moose harvested, two in subunit 15(B) and one in subunit
2 15(C). In 1997, we had no reports of anyone hunting in 15(A)
3 in the subsistence season.

4
5 Four rural communities with customary and traditional
6 use of moose in 15 are Nanwalek, Ninilchik, Port Graham and
7 Seldovia. Our preliminary conclusion is to support this
8 proposal. The moose population is stable. Obviously, there's
9 been very little to no use of the subsistence moose season in
10 Unit 15 so there's certainly no concern that it's causing any
11 kind of a problem to the resource. I think that concludes the
12 Staff analysis.

13
14 MR. LOHSE: Can I ask Robert a question?

15
16 CHAIRMAN EWAN: Yes, thank you Robert, Ralph has a
17 question for you.

18
19 MR. LOHSE: Robert, currently on our agenda for this
20 meeting is a proposal or a -- I don't know if you call it a
21 proposal, but to basically declare the entire Kenai Peninsula
22 rural?

23
24 MR. WILLIS: Yes.

25
26 MR. LOHSE: Would that have a major effect on this hunt
27 in your opinion?

28
29 MR. WILLIS: It would be purely speculation on my part,
30 Ralph. There would be some communities added that were much
31 closer to Unit 15(A) than the communities which currently have
32 customary and traditional use. From that standpoint, I would
33 say, yes, there would be some increase in use. On the other
34 hand, this particular hunt opens on August the 18th, only two
35 days prior to the opening of the State season. So essentially
36 a two day subsistence hunt, I would suspect there would be some
37 increase, probably significant increase in use for those two
38 days, and however I would not have a concern for the population
39 because of the antler restriction which would protect our
40 breeding bull population. I would say that declaring the
41 entire Peninsula rural possibly shifts some of the harvest to
42 rural communities, such as Cooper Landing, of course, Kenai and
43 Soldotna then would also be declared rural. I'm kind of
44 thinking on my feet here, and I'm trying to decide if there
45 would be anyone who would have a real advantage because of
46 this. If the entire Peninsula was declared rural, all the
47 residents would be on equal footing. Anchorage hunters and
48 hunters coming from outside the Kenai Peninsula area would have
49 to wait two days after the start of the subsistence season in
50 order to hunt. But that's a relatively small percentage of the

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1 hunters and the moose taken down there. Something like 85 to
2 90 percent of the moose taken and the people who hunt are local
3 residents on the Kenai. So I would have to say it would not
4 have a significant impact on moose population or on any of the
5 residents of the Kenai Peninsula. It would shift a small
6 amount of the harvest from Anchorage residents and other non-
7 Kenai Peninsula residents to Kenai Peninsula residents.

8
9 MR. LOHSE: Robert, then from what I understand from
10 what you said, and correct me if I'm wrong, basically if we
11 found for the Kenai to be rural, residents of the Kenai
12 Peninsula would have a two day extension of their hunting
13 season on Federal land on the Kenai Peninsula?

14
15 MR. WILLIS: That's correct.

16
17 MR. LOHSE: And non-residents of the Kenai Peninsula
18 would not lose anything that they currently have, it's just
19 that the local residents would have a two day extension?

20
21 MR. WILLIS: That's correct, Ralph. And again, it's
22 only in subunit 15(A), not in 15(B) or 15(C), in those two, if
23 the subsistence season opens on August 10th.

24
25 MR. LOHSE: Okay. Would you explain that to me,
26 Robert? You say in 15(A) and 15(B), the subsistence season
27 already, it's in regulation as opening August 10th?

28
29 MR. WILLIS: That's correct. Subunit 15(A), there is
30 in existence an archery only season. And rather than
31 subsistence gun hunters in the woods, it's a time that the
32 archery season is going on, the Council and the Board elected
33 to open that hunt on the 18th of August rather than on the 10th
34 of August as it is in the other two subunits.

35
36 MR. LOHSE: Roger, Roger.

37
38 CHAIRMAN EWAN: Robert, I have question, this is Roy,
39 something that puzzles me a little bit here about the
40 statistics. On Page 239 it says -- near the bottom it says,
41 bull/cow ratio is 346 to 1283 and then on the next page it
42 says, a total of 503 bulls were reported harvested in the hunt
43 in 1996, that just doesn't make sense to me and there's only
44 346 bulls, and you take 503? I don't know, am I not seeing
45 something here?

46
47 MR. WILLIS: That's easily explained. The numbers that
48 you see on Page 239, 346 bulls, 1283 cows and 435 calves is the
49 number counted during the survey, not the total population.

50

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1 CHAIRMAN EWAN: Okay, I see. Thank you. Do we have a
2 number for a total population at all, approximate number?

3
4 MR. WILLIS: In Unit 15 as a whole, it's estimated at
5 about 5,000-6,000, on Refuge lands about 3,000. I have a
6 current breakdown on that for subunit 15(A) versus subunits (B)
7 and 15(C).

8
9 CHAIRMAN EWAN: Thank you. We're down to other agency
10 comments, any other agency comments? Any written comments?

11
12 MS. EAKON: The Cooper Landing Fish and Game Advisory
13 Committee in Cooper Landing opposes this proposal saying that
14 no justification has been shown. The rural residents of Cooper
15 Landing oppose the c&t determination. The subsistence users
16 aren't using the area anyway. Also they have a concern about
17 extending the season through the rut. The Seldovia Village
18 Tribe supports, saying that subsistence is important and vital
19 to our tribal members and maintaining this lifestyle is
20 important to our culture and traditions. End of comments.

21
22 CHAIRMAN EWAN: Ralph.

23
24 MR. LOHSE: Can I ask Robert one more question?

25
26 CHAIRMAN EWAN: Yes, go ahead.

27
28 MR. LOHSE: Are you there, Robert?

29
30 MR. WILLIS: Yes.

31
32 MR. LOHSE: This does not extend anything at the tail
33 end of the season, does it, it's strictly a two day extension
34 at the front of it?

35
36 MR. WILLIS: Right.

37
38 MR. LOHSE: Okay.

39
40 CHAIRMAN EWAN: We're down to public testimony.
41 Anybody want to make comments from the public? If not, we'll
42 get to the Regional Council recommendation and justification.
43 The Staff recommendation is to support the proposal.

44
45 MR. OSKOLKOFF: Mr. Chairman, I'd like to move to adopt
46 the Staff recommendation.

47
48 CHAIRMAN EWAN: Is there a second?

49
50 MR. F. JOHN: I second.

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1 CHAIRMAN EWAN: There's a motion and second to adopt
2 Proposal 39. Any further discussion on the motion?

3
4 MR. DEMENTI: Question.

5
6 CHAIRMAN. EWAN: Question's called for. All in favor
7 say aye.

8
9 IN UNISON: Aye.

10
11 CHAIRMAN EWAN: Opposed by the same sign.

12
13 (No opposing votes)

14
15 CHAIRMAN EWAN: Motion is carried. We'll go on to
16 Proposal 40.

17
18 MS. EAKON: Proposal 40 is a backlog proposal which was
19 submitted by the Mt. Yenlo Fish and Game Advisory Committee and
20 it requests a positive c&t determination for black bear in Unit
21 16(B) for residents of Unit 16(B). Rachel.

22
23 MS. MASON: Thank you, Helga. This proposal came up
24 before the Council and the Federal Subsistence Board last year
25 and it was deferred after the Southcentral Regional Advisory
26 Council recommended rejecting the proposal because it didn't
27 give information on all the possible uses of black bear by the
28 rural residents outside of Unit 16(B). And I was glad to see
29 Gary because it was largely at his recommendation that it was
30 reevaluated.

31
32 There's currently no c&t determination for black bear
33 in Unit 16(B). The present analysis just gave an abbreviated
34 version of the analysis done last year, and the main addition
35 is a more thorough examination of what communities use black
36 bear in Unit 16(B).

37
38 The communities in 16(B) include Tyonek, which is the
39 largest community in 16(B), and that is a predominately Native
40 community. There's other small communities in Unit 16(B)
41 including Alexander, Beluga, Lake Creek and Skwentna. Sealing
42 records don't give very good information for this community,
43 but they do kind of give a rundown of who harvested or who
44 reported harvesting in Unit 16(B), and the sealing records,
45 since 1971, indicate that at least 16 percent of the black
46 bears harvested in Unit 16(B) were by rural residents and they
47 came from many areas of Alaska, but only about three percent of
48 the total were by rural residents of Unit 16(B).

49
50 The question that came before the Council last year was

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1 why people outside 16(B), rural people should be excluded from
2 positive c&t and in my understanding, Mr. Oskolkoff's
3 particular concern was by people living on the Kenai Peninsula,
4 Kenaitze people of the same cultural group as those living in
5 16(B). On examining the harvest information or the harvest
6 ticket information, and this is on page 250, it appears that
7 none of the hunters who have reported bear harvest in Unit
8 16(B) have been rural residents of the Kenai Peninsula. There
9 is some information from nonrural communities on the Kenai
10 Peninsula which were about 6.5 percent of all the black bears
11 harvested in 16(B), between '71 and '96. And then there's
12 considerable portion were harvested by people from around
13 Anchorage, nonrural people, and other Alaskan residents and
14 non-residents of Alaska.

15
16 Another way that this question could be addressed would
17 be to look at a subsistence harvest survey that was conducted
18 in 1994 by the Ninilchik Traditional Council, and that survey
19 asked some of the -- 25 heads of households in Ninilchik where
20 they had harvested in their lifetime. And the units identified
21 for black bear harvesting, there were several units named, but
22 none of them included Unit 16(B).

23
24 So the preliminary conclusion was to adopt the proposal
25 for a positive c&t for black bear in Unit 16(B) for the
26 residents of Unit 16(B), and this matches the conclusion that
27 was taken last year. The justification is that the
28 ethnographic record provides strong evidence for the historical
29 use of black bears by the Dena'ina Athabaskan residents of Unit
30 16(B). Research conducted in the early 1980s in Tyonek
31 indicated that black bears were still hunted then and it also
32 showed that other communities of the Susitna basin continue to
33 hunt and utilize black bear. However, from the available
34 information on other communities using Unit 16(B), there does
35 not seem to be any consistent pattern of use by any group of
36 rural residents outside Unit 16(B).

37
38 So that concludes the analysis.

39
40 CHAIRMAN EWAN: Thank you. Are there any agency
41 comments? I f not, we'll go to written comments.

42
43 MS. EAKON: There were no written comments.

44
45 CHAIRMAN EWAN: No written comments. Okay, we're down
46 to Regional Council recommendation and justification. Ralph.

47
48 MR. LOHSE: Mr. Chair, I have a question. I guess I
49 could direct it to -- I guess Jeff's the only one here, but
50 maybe somebody else can address it. Under ADF&G comments, they

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1 say that we should defer action because this is one of several
2 proposals that if adopted as written would restrict
3 opportunities for subsistence uses on Federal public land. In
4 this case, eligibility for black bear hunting in Unit 16(B)
5 would be limited only to residents of Unit 16(B). That
6 strictly means for subsistence purposes, doesn't it? It
7 doesn't mean for the opportunity to take black bear, does it,
8 Jeff?

9
10 MR. SELINGER: I'm not the one to ask about that. I'm
11 not familiar with that.

12
13 MR. LOHSE: It would be if the Federal government
14 declared a subsistence season on the Federal land there and a
15 shortage of bears and restricted it to subsistence hunting
16 only?

17
18 MR. SELINGER: That's what I'm assuming. And current
19 State regulations in 16 are three bear a year.

20
21 MR. LOHSE: Yeah.

22
23 CHAIRMAN EWAN: How much Federal lands are we talking
24 about here?

25
26 MR. LOHSE: Very little.

27
28 CHAIRMAN EWAN: Very little, right?

29
30 MR. SELINGER: Very little as I recall.

31
32 MR. LOHSE: Here's a map right here.

33
34 MS. MASON: Yeah, on Page 86 of the regs book there is
35 a map.

36
37 MR. LOHSE: This little -- here's 16(B), there's a
38 little chunk over on this corner and a little chunk over on
39 this corner, none in the area that the people live.

40
41 MS. MASON: It's not anywhere near the communities that
42 we're discussing.

43
44 CHAIRMAN EWAN: Okay. Yes, Gary.

45
46 MR. OSKOLKOFF: In the justification and the
47 information that I have in front of me, is there any concern
48 with regard to the species, perpetuation of species or the
49 availability of black bear in that area? Is there -- in other
50 words, is there a biological reason for limiting rural

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1 residents and from other areas using that?

2

3 MS. MASON: There doesn't seem to be a biological
4 reason. I could ask Robert, do you know of any?

5

6 MR. WILLIS: I didn't catch the first part of that
7 question, would you repeat it please?

8

9 MS. MASON: Is there any problem with -- any biological
10 problem with the resource in Unit 16(B)?

11

12 MR. WILLIS: Not to my knowledge.

13

14 CHAIRMAN EWAN: Ralph.

15

16 MR. LOHSE: I'd like to ask Robert a question, too.
17 Then would -- this customary and traditional finding would not
18 restrict residents from other areas then from taking a bear in
19 16(B), would it?

20

21 MR. WILLIS: I don't see how it would, Ralph.
22 Currently, under State regulations in Unit 16, there's no
23 closed season on black bears. It seems to me that the black
24 bear population is in excellent condition.

25

26 MR. OSKOLKOFF: Mr. Chairman, my question has to do
27 with what would be the reason for us to act to restrict rural
28 -- other rural users in the face of what? What would propel us
29 to do this, I'm just curious?

30

31 CHAIRMAN EWAN: Ralph, do you have an answer?

32

33 MR. LOHSE: Mr. Chairman, I'd like to answer Gary on
34 that one there. In this case it wouldn't be a matter of
35 restricting anybody else, it would be recognizing that the
36 people from 16(B) have a customary and traditional use of the
37 resource in 16(B), and at any time in the future, that anybody
38 else can show that they have a customary and traditional use,
39 they can file a proposal to get customary and traditional in
40 16(B). But it would go along with what we've done with the
41 other bear issues in Unit 13 and in Unit 11, basically
42 recognizing that the local people do use theirs as a customary
43 and traditional subsistence resource.

44

45 Like it's been pointed out by both the Fish and Game
46 and the Fish and Wildlife Service with the current seasons and
47 bag limits, this customary and traditional finding doesn't
48 restrict anybody anywhere. What it does say is that at some
49 time, if there is something in the future, that there would be
50 a shortage, the people in 16(B), the local residents of 16(B)

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1 would have priority for the subsistence resource in their area.
2 And it's basically finding -- now, if anybody else can show
3 that they have customary and traditional use for it, they can
4 file a proposal to get customary and traditional finding to be
5 added to 16(B) in the future. But what we're saying here is,
6 do the people in 16(B) have a customary and traditional use of
7 bears in 16(B) or do they not? That's all the proposal covers.

8
9 MR. OSKOLKOFF: My understanding is, and correct me if
10 I'm wrong, is that all rural residents qualify now?

11
12 MS. MASON: Yeah. There's no determination.

13
14 MR. OSKOLKOFF: There's no determination, therefore,
15 all rural residents qualify.

16
17 MS. MASON: That's correct.

18
19 MR. OSKOLKOFF: If we adopt Proposal 40, we will be
20 restricting, at the present time, to residents of 16(B) only?

21
22 MS. MASON: Well, as Ralph says, there's currently very
23 liberal harvest limits and seasons under the State hunt, so
24 there still would be -- anybody that wanted to hunt there, and
25 also given that there is very little Federal land, it doesn't
26 seem that anybody would be prevented from hunting black bear if
27 they wanted to.

28
29 MR. OSKOLKOFF: Well, my concern is that we have very
30 little control over what the State of Alaska does and they seem
31 to have had some decisions which have adversely effected
32 subsistence hunters in the past. And I'm concerned that simply
33 because there's a State season, we're using that as
34 justification to do something which is restrictive, when
35 there's really no other reason to do so. In other words, if
36 it's not broke, why fix it?

37
38 MS. MASON: Um-hum.

39
40 MR. OSKOLKOFF: I'm more in that line when you're
41 talking about being more restrictive. If you're talking about
42 being less restrictive, I'm always willing to listen to that.
43 And I'm concerned that we're kind of marching in the wrong
44 direction here without substantial justification for submitting
45 a restriction just to make it match what we have done in the
46 past or make it similar to the process that we've gone through.
47 I think we need a more concrete reason to push a proposal
48 through the process rather than the one we have right now,
49 which is, well, it will have no effect anyhow so let's go ahead
50 and do it. That to me isn't a reason for this committee to

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1 even act.

2

3 CHAIRMAN EWAN: Ralph.

4

5 MR. LOHSE: I don't think that that's the reason that
6 it was proposed. The reason it was proposed was because of the
7 fact that a request was put in to find a customary and
8 traditional determination for residents of 16(B) in Unit 16(B).
9 There was no proposal to find a customary and traditional
10 finding for residents of anyplace else. If we feel that it
11 needs to be deferred we can sure defer it. But the question in
12 my mind is, do people in 16(B) make customary and traditional
13 use of the black bears in 16(B)? And you're right, they
14 currently have customary and traditional there along with all
15 other rural people, so there is no problem at this point in
16 time, it could be left that way.

17

18 MR. OSKOLKOFF: Mr. Chairman.

19

20 CHAIRMAN EWAN: Yes.

21

22 MR. OSKOLKOFF: Along that line, the effect of this is
23 exactly as Ralph has stated. 16(B), it will have no effect
24 whatsoever because they are already included in all rural
25 residents. So for them it has no -- there's no need to discuss
26 the members of 16(B). What we are discussing is eliminating
27 everyone else except for 16(B) at this particular point. The
28 proposal is misstated, I think. It's the semantics of it that
29 I think is the problem that I'm having here.

30

31 CHAIRMAN EWAN: So you're speaking in favor of
32 rejecting this proposal, right?

33

34 MR. OSKOLKOFF: I would, at the very least recommend
35 tabling this.

36

37 CHAIRMAN EWAN: Tabling. Speaking of that, what is the
38 process then, if we do table or defer, would there be another
39 opportunity to take it up?

40

41 MS. EAKON: If you table it, it goes into a deep hole,
42 you know. If you defer it you.....

43

44 MS. MASON: You'd have a time in mind.....

45

46 MS. EAKON: Right. You have a time limit in mind, do
47 you want to defer it until such time as you want to put it back
48 on your table.

49

50 MR. OSKOLKOFF: I'd sure hate to see it in a deep hole.

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1 I think we should defer on the grounds if the proposers could,
2 perhaps, illuminate the logic behind this it might change my
3 mind and make it easier for us all to digest.

4
5 CHAIRMAN EWAN: Again, now, I don't know if you
6 explained it but I want to be clear about that. If we defer,
7 when can we take it up again?

8
9 MS. MASON: Generally when you defer it would be
10 deferred pending.....

11
12 CHAIRMAN EWAN: Whatever information we're asking for?

13
14 MS. MASON: Yeah. Perhaps more information from --
15 pending contacting the Mt. Yenlo Fish and Game Advisory
16 Committee. And that would be one way to do it.

17
18 CHAIRMAN EWAN: For my comment, I'm kind of caught in
19 between here. I don't care one way or the other which way we
20 vote on this one. I think if we go along with Gary, it will
21 satisfy more people, Gary's recommendation of deferring,
22 myself.

23
24 MR. F. JOHN: Mr. Chair.

25
26 CHAIRMAN EWAN: Yes.

27
28 MR. F. JOHN: I just got one question. If we do -- I'd
29 like to ask what will happen, it's just going to eliminate eery
30 -- across the.....

31
32 MR. OSKOLKOFF: Yeah. Essentially if we adopt the
33 proposal it would eliminate everyone except for the residents
34 of 16(B). So everyone in wherever, 16(A), you know, and across
35 the Inlet and in other portions. I agree with -- I agree that
36 it may be too broad, but I think we need some more
37 justification as to why this proposal needs to be done this
38 way.

39
40 MR. F. JOHN: And then would this just make -- I mean
41 to hunting 16(B) for Ninilchik and everything, they have to
42 prove customary and traditional.....

43
44 MR. OSKOLKOFF: Yeah, if we.....

45
46 MR. F. JOHN:and then they could submit later on
47 to be part of it?

48
49 MR. OSKOLKOFF: Yes.

50

00186

1 MR. F. JOHN: What's wrong with that?

2

3 MR. OSKOLKOFF: Well, my problem is that there's no
4 reason, biological or otherwise, to restrict anyone right now.
5 The population is healthy we understand. The use isn't too
6 heavy. Those kind of things like that. I don't understand why
7 we're regressing, in my opinion, with the use of black bear in
8 that particular area when there is -- when I haven't seen a
9 justification. And I believe that the justification is
10 possible. And I believe that perhaps the Mt. Yenlo Fish and
11 Game Advisory Committee, in a very short letter could probably
12 illuminate that for me to where I would understand it. But
13 right now, the logic just escapes me as to why we would want to
14 do that.

15

16 CHAIRMAN EWAN: Rachel.

17

18 MS. MASON: Mr. Chairman, may I just make a
19 clarification on what it would do.

20

21 CHAIRMAN EWAN: Yes.

22

23 MS. MASON: The current situation is that most of the
24 black bear that's harvested in that subunit is by nonrural
25 residents. And so as far as I can tell, no matter what your
26 action is here, that those same nonrural residents will
27 continue to have an opportunity to harvest there. So by making
28 the determination, all it would do would be to remove the rural
29 preference for those -- the rural residents who harvest in Unit
30 16(B). And currently, as far as the portion of the harvest
31 that is by them, it's about three percent of the total harvest
32 of black bear comes from Unit 16(B) residents and about 12
33 percent or 13 percent is by other rural residents of Alaska.

34

35 CHAIRMAN EWAN: What you're stating pretty much is that
36 in time of shortage we'll be hurting the local people in 16(B)?

37

38 MS. MASON: Yeah. In time of shortage, there would be
39 a preference then for those residents in 16(B).

40

41 MR. F. JOHN: I'd like to go along with Gary and just
42 defer it because I haven't seen it.

43

44 CHAIRMAN EWAN: Will somebody make a motion so we can
45 move on one way or another. Move to adopt Staff recommendation
46 and we can vote it up or down.

47

48 MR. OSKOLKOFF: Or we can just have no action on it.

49

50 CHAIRMAN EWAN: Okay that.....

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1 MS. EAKON: No action?

2

3 MR. F. JOHN: Gary made a motion already and I seconded
4 it.

5

6 CHAIRMAN EWAN: Oh, you did.

7

8 MR. OSKOLKOFF: No, I just suggested deferring, I
9 hadn't made a motion to defer it.

10

11 CHAIRMAN EWAN: I didn't hear a motion, so no.

12

13 MR. F. JOHN: Okay. Defer it.

14

15 MS. EAKON: Well, no action is the same as -- you're
16 going to have a status quo.

17

18 CHAIRMAN EWAN: Hearing no motion we'll just move on
19 then to the next proposal.

20

21 MS. EAKON: The next seven proposals involve use areas
22 within the Eastern Interior Federal Subsistence Resource
23 Region. The first one is 95, which was submitted by the Copper
24 River Native Association requesting a positive c&t
25 determination for black bear in Unit 12 for residents of
26 Chistochina and Mentasta Lake. Rachel will sit in for George
27 Sherrod who is Staff anthropologist for Eastern Interior.

28

29 MS. MASON: Thank you. Proposal 95 was submitted by
30 CRNA. It requests positive c&t determination for black bear in
31 Unit 12 for the residents of Chistochina and Mentasta Lake.
32 And currently there's no c&t for black bear in Unit 12. As
33 with CRNA's other proposals regarding black bear and brown
34 bear, this one is not intended to be restrictive.

35

36 In the Upper Tanana area, in most of the communities it
37 appears that black bears are rarely hunted, at least, from the
38 sealing data there's very little. However, there's -- for
39 example, in Tanacross, the sealing data since 1960 indicate no
40 harvest or sealing of bear at all. For Tetlin, in 20 years
41 there hasn't been any report of black bear and residents there
42 cite taboos as the main reason that they're not hunted. Tok,
43 probably within the Unit 12 communities, Tok had more harvest
44 of black bear than any other of the communities, and about 24
45 percent of the Tok residents surveyed in 1987 reported using
46 black bear. In the Copper River Basin, there's been a decrease
47 of the harvest and use of black bears. In 1983 there was a
48 researcher noted that bear meat seemed to be fading in
49 popularity among most Native people. And the subsistence
50 surveys in Chistochina and Mentasta Lake in 1982 and 1987 are

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1 somewhat uneven. For example, while no Chistochina residents
2 reported harvesting or using black bear in '82, in '87 almost
3 11 percent of the community reported using the species and an
4 average of almost seven pounds of black bear per capita were
5 harvested. So in '87 they had more black bear per capita than
6 any of the other communities in Units 12 and 13(C) that were
7 studied. In Mentasta Lake it was kind of the opposite. In
8 1982 nearly 16 percent of the residents reported harvesting
9 black bear, but in 1987, nobody reported harvesting or using
10 black bear in Mentasta Lake. So this would kind of support the
11 idea that black bear was taken opportunistically by residents
12 of those communities when they had the opportunity.

13
14 In terms of the use areas, as we've seen with the other
15 bear proposals, contemporary land and resource use is tied to
16 traditional or historic patterns and people tend to use areas
17 that are close to their home for subsistence purposes, but they
18 also travel and harvest within a considerable range. And also
19 as we've seen with the other black bear proposals, people in
20 this area tend to use the same areas that they harvest moose
21 and caribou in for black bear harvest. So although no
22 information was found documenting the use of black bear in Unit
23 12 by residents of Chistochina, for Mentasta Lake, two of the
24 three bears that have been reported by Mentasta Lake residents
25 between 198 -- between 1975 and the present were taken in Unit
26 12, and one of them was taken in Unit 13(C). For the Upper
27 Tanana area, the 20 bears that have been sealed for Northway
28 residents between 1965 and 1991 were primarily harvested in
29 Unit 12. And again, for Tanacross, bears are harvested -- tend
30 to be harvested in the same area as caribou and that includes
31 some parts of Unit 12, in addition to some other units. Tok
32 residents had the largest harvest area, the most likely to
33 travel long distances to harvest, and they have recorded
34 harvesting black bears in Unit 12.

35
36 The preliminary conclusion was to adopt the proposal
37 with modification. And the modification would be that rural
38 residents of Unit 12, Dot Lake, Chistochina and Mentasta Lake
39 should have a positive c&t determination for black bear in Unit
40 12. So the recommended modification was to add the residents
41 of Unit 12 and Dot Lake to the proposal. The basis for this
42 recommendation is that although there's an uneven record of
43 harvest by the residents of Mentasta Lake and Chistochina, in
44 the years that harvests were recorded, they harvested more
45 pounds of black bear per capita than any of the Unit 12
46 communities studied. And it appears that the harvest areas for
47 black bear are similar to those of a communities use of moose
48 or caribou, and the Unit 12 communities have an undisputed use
49 of caribou and moose in their unit so it would make sense that
50 they would also have customary and traditional use of black

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1 bear in that unit. Dot Lake is often considered with the Upper
2 Tanana communities because of the connections with that
3 community even though they're in Unit 20(D), so Dot Lake was
4 recommended as added in addition to the Unit 12 communities.

5
6 Thank you.

7
8 CHAIRMAN EWAN: Okay. any other comments by the
9 agencies? Okay, we'll get the written comments then.

10
11 MS. EAKON: The recommendation of Eastern Interior
12 Regional Council is to support with modification to include
13 adjacent subunits. The Upper Tanana Fortymile Fish and Game
14 Advisory Committee supports with amendment to have a positive
15 c&t for GMU 11, 12, 13 (A) through (D) and residents of
16 Chickaloon, Dot Lake and Healy Lake, which includes Wrangell-
17 St.Elias National Park resident zone communities. Because one
18 community wishes to have their eligibility established should
19 not automatically exclude other eligible subsistence
20 communities or GMUs. The Wrangell-St. Elias Subsistence
21 Resource Commission supports the proposal as written.

22
23 End of comments.

24
25 CHAIRMAN EWAN: Thank you. Anybody from the public
26 want to make comments? If not, we're down to Regional Council
27 recommendations.

28
29 MR. OSKOLKOFF: Mr. Chairman.

30
31 CHAIRMAN EWAN: Gary.

32
33 MR. OSKOLKOFF: In this proposal at the Department of
34 Fish and Game comments on Page 273, the last sentence on the
35 first paragraph says, at the November 1997 meeting of the
36 Wrangell-St. Elias National Park Subsistence Resource
37 Commission, a Copper River Native Association representative
38 said the intent of this proposal was not to disqualify other
39 rural residents who have customary and traditional uses of
40 black bear in Unit 11. I guess my question is, currently,
41 because there is no customary and traditional use
42 determination, all rural residents, we are back in that
43 situation again or are we not?

44
45 MS. MASON: Mr. Chairman, well, first of all I believe
46 this is a typo, I think it's supposed to be Unit 12.

47
48 MR. OSKOLKOFF: Oh, I'm sorry.

49
50 MS. MASON: But generally we are back to that same

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1 situation again. And the CRNA has stated for all of the
2 proposals that they have no intention of excluding other
3 communities. They would only like to speak for their own
4 communities.

5
6 MR. OSKOLKOFF: With regard to that and with regard to
7 the proposal that we seemed to drop off in a deep hole just
8 moments ago, is it possible to do that?

9
10 MS. MASON: Yes, it's possible to make a c&t
11 determination only for the communities for which there is
12 information; is that what you're asking?

13
14 MR. OSKOLKOFF: No, no, no. I mean my understanding
15 was that -- is that everyone currently qualifies, all rural
16 residents qualify.

17
18 MS. MASON: Um-hum.

19
20 MR. OSKOLKOFF: And there was no intention to
21 disqualify rural residents who currently qualify, but at the
22 same time recognizing this proposal, is there a way on this
23 proposal and on the previous proposal to recognize these people
24 in these particular units who are rural residents and yet not
25 disqualify other rural residents?

26
27 MS. MASON: Yeah. As I understand it, if you act on a
28 proposal that is for a unit that currently does not have a c&t
29 determination, the Council has to act positively and to make a
30 determination for some people. You can't have it both ways and
31 leave it as a no determination, but also have somebody have a
32 positive c&t determination.

33
34 CHAIRMAN EWAN: Ralph.

35
36 MR. LOHSE: Mr. Chair, at this time what we're dealing
37 with is we're actually dealing with a unit that's outside of
38 area of jurisdiction, and we're dealing with residents of our
39 area of jurisdiction would like c&t in that unit without having
40 the information that unit would present for its own residents.
41 Now, the Staff proposal is to automatically include all
42 residents of Unit 12, Mentasta, Chistochina, Dot Lake, however,
43 we don't know anything about the residents that are on the
44 other side of Unit 12 that might also make use of that unit.
45 So there's hardly any way that we can act on that without being
46 restrictive, and I see what Gary's getting at. I see that -- I
47 can understand what he's saying right there, especially in this
48 case when that's in a different area, and where we could
49 recommend to them that groups of our area be included in their
50 area, I kind of feel like we should leave the finding of

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1 customary and traditional in their area for them.

2

3 MR. F. JOHN: I'd like to make a comment.

4

5 CHAIRMAN EWAN: Yes, Fred.

6

7 MR. F. JOHN: What the Copper River Native Association
8 said about their intent not to disqualify anybody else, I guess
9 what we said before, every time we write up means and hunting
10 and everything, it's for the eight villages that CRNA does that
11 -- that does not qualify anybody else, so we know about these
12 villages and we write up about them but we don't know anything
13 about the others. Let them come up with their own writing in
14 their area. And so what we're trying to do is we're telling
15 our history, our culture, and everything, but I mean does that
16 mean do we qualify anybody else? That's just about all, it
17 doesn't mean.....

18

19 MR. OSKOLKOFF: Let me agree with both Fred and Ralph
20 on this. The problem with the previous one and with this one
21 and I think Ralph pointed it out really well is -- and Fred hit
22 the other side of it, our intention is to deal with our area.
23 And these proposals, as they're written, exclude people from
24 other areas who may want to comment on this -- who may not even
25 be aware that what we're doing is excluding them. And I don't
26 know, is there a way that we can do it that makes it -- that we
27 aren't excluding that we're only dealing with our area? Should
28 we only be dealing with our area?

29

30 CHAIRMAN EWAN: There is a portion thought that's in
31 our area, though, isn't there?

32

33 MS. MASON: The users are in your area.

34

35 CHAIRMAN EWAN: Yeah.

36

37 MR. LOHSE: Mr. Chair, would it be possible to make a
38 recommendation to the Eastern -- let's see, we would be wanting
39 to make it to the Eastern Interior Region who has jurisdiction
40 over this area. Could we make a recommendation to the Eastern
41 Interior Region that at such time as they consider customary
42 and traditional black bear in Unit 12, that they include --
43 that we feel that they should include the villages of Mentasta,
44 Dot Lake and Chickaloon, and then leave it up to them to decide
45 when they want to make a customary and traditional finding for
46 Unit 12? Does that sound more in order of what.....

47

48 MR. F. JOHN: I think that'd be more.....

49

50 MR. LOHSE: In other words, what we're saying is we are

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1 not finding customary and traditional for those in Unit 12, we
2 are recommending that when Eastern Interior deals with Unit 12,
3 that these villages from our area be included, you know, and
4 then we leave it up to them.

5
6 MR. OSKOLKOFF: Mr. Chairman.

7
8 CHAIRMAN EWAN: Gary.

9
10 MR. OSKOLKOFF: On those lines, wasn't there a workshop
11 held to try and define how the Councils could work together
12 with regard to resolving these problems?

13
14 CHAIRMAN EWAN: Um-hum.

15
16 MR. OSKOLKOFF: And wasn't there some kind of
17 networking facility, at least, a notion of how it should work,
18 put together?

19
20 MR. F. JOHN: We met with the Eastern Interior this
21 year. We did meet with the Eastern Interior.....

22
23 MS. MASON: Yeah.

24
25 MR. F. JOHN:and talk about some of our common
26 goals.

27
28 CHAIRMAN EWAN: Go ahead, John.

29
30 MR. F. JOHN: Yeah, we did meet with the Eastern
31 Interior and talked over, just a few of us, I mean we didn't
32 come to any conclusion or vote on anything but we just talked.

33
34 CHAIRMAN EWAN: Ralph.

35
36 MR. LOHSE: Are we on Council comments?

37
38 MS. EAKON: Yeah. Could we restate Eastern Interior
39 has already acted on this. They're supporting the proposal
40 with modification to include adjacent subunits which addresses
41 the concerns you are having.

42
43 MR. LOHSE: So we could support Eastern Interior's
44 proposal?

45
46 MS. EAKON: Recommendation.

47
48 MR. LOHSE: Recommendation. Because that's in their
49 area. Okay, so would you repeat, Helga, what they did?

50

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1 MS. EAKON: Okay. The recommendation of Eastern
2 Interior Regional Council is to support the proposal with
3 modification to include adjacent subunits.

4
5 CHAIRMAN EWAN: Would you state that part again, I'm
6 sorry I was reading here.

7
8 MS. EAKON: Sure. To support the proposal with
9 modification to include adjacent subunits.

10
11 CHAIRMAN EWAN: That would include what communities?

12
13 MR. LOHSE: What would that cover in actual language?

14
15 MS. MEEHAN: Maybe I could help you with just an
16 explanation of what Eastern Interior was trying to do. They
17 spent a long time discussing c&t, and just the philosophy of it
18 and how they wanted to approach it. And where they finally
19 came out was, that as a Council they did not want to exclude
20 people. And so what they did all the way through all of their
21 c&t's is they would find a positive c&t for residents of the
22 unit, and these adjacent subunits, so that people who were
23 reasonably close to the resource, they felt they should have
24 access to it, they didn't want to exclude it. So they would
25 just basically provide for a fairly broad c&t determination.
26 The end result in this case is the two communities in this
27 region that you've been discussing, would be included within
28 their recommendation because they took this sort of broad look
29 at drawing a circle, if you will, around the c&t area. But the
30 philosophy was they based it on essentially distance to the
31 resource.

32
33 CHAIRMAN EWAN: But what we're doing, for Ralph, there
34 are other regions that do the same thing that want to find c&t
35 determination for their community in another unit, so we're not
36 doing anything different than what's happened in the past.

37
38 MS. MEEHAN: No.

39
40 CHAIRMAN EWAN: If we recommend that Mentasta and the
41 other communities listed in this proposal, we approve that and
42 recommend that to the Board, I mean that's all proper, I think.

43
44 MS. MEEHAN: Absolutely.

45
46 CHAIRMAN EWAN: Yeah.

47
48 MS. MASON: Mr. Chairman, what you're doing is
49 identical to what the Southeast Council did with Proposal 17
50 and 18, and I believe that that's what Ralph is referring to,

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1 in just declining to act on something that is another region.

2

3 CHAIRMAN EWAN: I would, you know, follow-up on what
4 Ralph commented. I think we ought to try to protect these
5 communities that are in our region, and Mentasta and the other
6 communities. Yes, Ralph.

7

8 MR. LOHSE: I'd like to ask then, basically, again. If
9 what I understand is correct, Eastern Interior basically
10 recommends that residents of Unit 12, residents of Unit 20(D),
11 13(C) and whatever the area is on the other side of it has
12 customary and traditional in Unit 12 right there?

13

14 MS. MEEHAN: Yes.

15

16 MR. LOHSE: So that would include Mentasta,
17 Chistochina, Dot Lake and Unit 12, which is basically what we
18 were intending -- what we were talking about doing, too.

19

20 CHAIRMAN EWAN: Does Unit 12 have subunits?

21

22 MS. MASON: No.

23

24 MR. LOHSE: No.

25

26 CHAIRMAN EWAN: No. That would have helped us a little
27 better.

28

29 MR. LOHSE: So Eastern Interior has the authority over
30 Unit 12, but at the same time they have included the villages
31 that we were talking about.

32

33 CHAIRMAN EWAN: Are you prepared to make a motion then
34 one way or the other?

35

36 MR. LOHSE: I move that we support Eastern Interior
37 Regional Council's recommendation with it being the intent of
38 our Council to include Dot Lake, Chistochina and Mentasta Lake,
39 and not to exclude anybody else.

40

41 CHAIRMAN EWAN: Is there a second?

42

43 MR. F. JOHN: Which one did you.....

44

45 MR. LOHSE: Or should we just defer it?

46

47 MR. F. JOHN: Which one did you -- was that a Copper
48 Center proposal or what?

49

50 CHAIRMAN EWAN: Eastern Interior.

00195

1 MR. LOHSE: No. Eastern Interior's Proposal for Unit
2 12, since it's in their district. It would include the
3 Mentasta, Dot Lake and Chistochina that we wanted in there. So
4 I was just thinking that we should just defer to their proposal
5 and let it be known that it was our intention, that we felt
6 that Dot Lake, Chistochina and Mentasta Lake should be part of
7 it.

8
9 CHAIRMAN EWAN: Is there a second to that motion?

10
11 MR. DEMENTI: Second.

12
13 CHAIRMAN EWAN: There's a motion and second. Now, for
14 discussion purposes, does this take care of CRNA's concerns in
15 their proposals?

16
17 MS. MASON: I'm not sure.

18
19 MR. LOHSE: Yeah, they wanted Chistochina, Mentasta and
20 Dot Lake.

21
22 MS. MASON: Yes, it would fulfill what they wanted.

23
24 CHAIRMAN EWAN: Gloria, do you have any comments about
25 that?

26
27 MS. STICKWAN: It was our villages intent.

28
29 CHAIRMAN EWAN: You would be satisfied with this motion
30 then the way it's read. Would you repeat that for the record,
31 just one more time, and then.....

32
33 MR. LOHSE: I make a motion that we defer to Eastern
34 Interior Regional Council's recommendation and that it was our
35 intention to include the communities of Dot Lake, Chistochina,
36 and Mentasta Lake and not to exclude anybody else and we
37 recognize that we've done that.

38
39 CHAIRMAN EWAN: Okay. It was seconded, so any further
40 discussion on the motion. Was it CRNA's request that we.....

41
42 MS. MASON: CRNA's request was for the residents of
43 Chistochina and Mentasta Lake. The Staff recommendation was
44 for Dot Lake, but it wasn't part of CRNA's proposal.

45
46 CHAIRMAN EWAN: But it will cover it?

47
48 MS. MASON: Yes.

49
50 CHAIRMAN EWAN: Ralph's motion covers your

00196

1 recommendation?

2

3 MS. MASON: Yes.

4

5 CHAIRMAN EWAN: Okay, further discussion on the motion?

6 Are you prepared to vote. All those in favor of Proposal 95

7 say aye.

8

9 IN UNISON: Aye.

10

11 CHAIRMAN EWAN: Opposed by the same sign.

12

13 (No opposing votes)

14

15 CHAIRMAN EWAN: Motion is carried. Next proposal.

16

17 MS. EAKON: Proposal 96 submitted by the Copper River

18 Native Association requests a positive customary and

19 traditional use determination for brown bear in Unit 12 for

20 Chistochina and Mentasta Lake. And once again, Rachel is

21 standing in for George.

22

23 MS. MASON: Thank you, Helga. Proposal 96 is the same

24 proposal, except it's for brown bear instead of black bear.

25 Again, it's a request from the CRNA asking for a positive c&t

26 determination for brown bear in Unit 12 for Chistochina and

27 Mentasta Lake. Again, the request was not intended to be

28 restrictive. One big difference though is that although for

29 black bear there was no determination in Unit 12, for brown

30 bear, under current regulations, the residents of Unit 12 and

31 the residents of Dot Lake have a positive c&t for brown bear in

32 Unit 12. This was a determination that was made last year.

33

34 As was true of the other brown bear proposals, a factor

35 making it difficult to assess this request is the secrecy and

36 the taboos that surround brown bear hunting in Athabascan

37 cultures. Very small harvests of brown bear have been

38 documented in a few communities in Units 12, 13(C) and 20(D).

39 In regard to the two communities included in this request, no

40 use or harvest of brown bear were reported by the residents of

41 Mentasta Lake or Chistochina in either 1982 or 1987. It

42 doesn't appear that there have been any considerable harvests

43 of brown bear in either the Upper Tanana area or in the Copper

44 River Basin area.

45

46 In regard to the use areas, Chistochina residents

47 reported harvesting no brown bears in Unit 12 or elsewhere.

48 Gakona was the only community that reported any harvest of

49 brown bear that was specifically for human consumption. And of

50 the total of 60 brown bears harvested by Gakona residents from

00197

1 all units between 1963 and 1992, the brown bear harvests were
2 the highest in Unit 13(C) but they also reported some harvests
3 in Unit 12. Mentasta Lake residents reported harvesting three
4 of the four brown bears that they took over the years in Unit
5 12, and this community currently does have a positive c&t for
6 use of caribou in Unit 12 and for moose in Unit 12. As for the
7 Upper Tanana area residents who currently have a positive c&t
8 in Unit 12 for brown bear, no contemporary harvest areas are
9 available for Dot Lake or Tetlin since no brown bear harvests
10 have been reported since the 1960s for those communities.
11 Black and brown bear hunting areas used by the community of
12 Tanacross indicate that bears are harvested in the same areas
13 are caribou and contain parts of Unit 12 in addition to other
14 units. Tok residents hunted brown bears in the largest area of
15 the communities that we have mapped areas for Unit 12, and they
16 were the most likely of the Unit 12 communities to travel long
17 distances to harvest.

18
19 Taking the available information on harvests into
20 account, the preliminary conclusion was to adopt the proposal.
21 The justification is that the subsistence harvest records give
22 an uneven record of brown bear harvest in these communities.
23 And also on the Unit 12 communities and Dot Lake, who currently
24 have a positive c&t for brown bear. Three of the four bears
25 harvested since 1983 by Mentasta Lake residents were in Unit
26 12, but there are no sealing records for Chistochina residents
27 for brown bear. Because of the geographical proximity and the
28 kinship and cultural link between these predominately
29 Athabascan communities and the link between them and the Unit
30 12 communities, it's likely that the patterns of brown bear
31 harvesting are similar and that's also taking into account the
32 extreme secrecy that attaches to bear hunting in Athabascan
33 culture. So it should be recognized that Mentasta Lake and
34 Chistochina use brown bear in the unit with the rationale that
35 they use Unit 12 for moose and caribou hunting.

36
37 So that concludes the summary of the analysis.

38
39 CHAIRMAN EWAN: Thank you. Any agency comments?

40
41 MR. SELINGER: (Shakes -no)

42
43 CHAIRMAN EWAN: Written comments?

44
45 MS. EAKON: The recommendation of the Eastern Interior
46 Regional Council is to support with modification to include
47 adjacent subunits. Wrangell-St. Elias Subsistence Resource
48 Commission supports an amended proposal to add Chistochina and
49 Mentasta in addition to the present c&t use determination. The
50 Upper Tanana Fortymile Fish and Game Advisory Committee

00198

1 supports with amendment to have a positive c&t for Healy Lake
2 also.

3
4 End of comments.

5
6 CHAIRMAN EWAN: Thank you. Any public testimony? If
7 not, we're down to Regional Council recommendation and
8 justification. We all heard the recommendation and that is to
9 adopt the proposal, what does the Council want to do? Ralph.

10
11 MR. LOHSE: I'd like to as a clarification. What is
12 the current status of c&t in Unit 12?

13
14 MS. MASON: There's a positive c&t for the Unit 12
15 communities and Dot Lake.

16
17 MR. LOHSE: Was that a recommendation from our Council
18 or was that a recommendation from the Eastern Council?

19
20 MS. MASON: I don't know -- I don't remember what this
21 Council recommended last year but it was one of the -- it was
22 on the brown bear proposal that came before the Council and the
23 Board last spring.

24
25 MR. LOHSE: So currently it's Unit 12 and Dot Lake?

26
27 MS. MASON: Um-hum.

28
29 MR. LOHSE: What is Eastern Regional Council's
30 recommendation? I just heard, there's a current recommendation
31 from the Eastern Regional Council.

32
33 MS. MASON: They wanted to add the adjacent units.

34
35 MR. LOHSE: In other words, they would be adding 13(C),
36 which would have Chistochina and Mentasta?

37
38 MS. MASON: Um-hum.

39
40 MR. LOHSE: And they would be adding 20(D), which has
41 Dot Lake to it.

42
43 MS. MASON: Yes, and Dot Lake is already in it.

44
45 MR. LOHSE: It's already in it.

46
47 MS. MASON: They would be adding Healy Lake and the
48 other communities in 20(D).

49
50 MR. LOHSE: Okay.

00199

1 CHAIRMAN EWAN: Does somebody want to make a motion?

2

3 MR. LOHSE: I make a motion that we accept Proposal 96,
4 amending it to read in concurrence with the Eastern Interior
5 Regional Council's recommendation.

6

7 CHAIRMAN EWAN: Is there a second?

8

9 MR. OSKOLKOFF: Second.

10

11 CHAIRMAN EWAN: The motion is seconded on the proposal.
12 Any further discussion on the motion?

13

14 MR. F. JOHN: Question.

15

16 CHAIRMAN EWAN: Question's called for. All in favor of
17 the motion say aye.

18

19 IN UNISON: Aye.

20

21 CHAIRMAN EWAN: Opposed by the same sign.

22

23 (No opposing votes)

24

25 CHAIRMAN EWAN: Motion is carried. We go to Proposal
26 98.

27

28 MS. EAKON: Proposals 98 and 99 were combined for
29 analysis. Proposal 98 would expand eligibility for winter hunt
30 of caribou in part of Unit 12 to include residents of Unit 12,
31 Mentasta Lake and the Native Village of Dot Lake. Proposal 99
32 would revise a c&t determination to add Healy Lake for caribou
33 in Unit 12. Rachel.

34

35 MS. MASON: This is Proposal 99.

36

37 MS. EAKON: 98 and 99 were analyzed together.

38

39 MS. MASON: No, there's just 99. 97 and 98 were
40 together.

41

42 CHAIRMAN EWAN: We don't have a copy of 97 in our book,
43 do we?

44

45 MS. MASON: 98 is the administrative one. 98 was taken
46 care of administratively and 99 is a c&t analysis.

47

48 MR. LOHSE: Okay, so 98 is a dead proposal.

49

50 MS. MASON: Dead. Dead in the water.

00200

1 MR. LOHSE: Okay, so we're on Proposal 99?

2

3 MS. MASON: That's correct. 99 was the one submitted
4 by Healy Lake Traditional Council.

5

6 MS. EAKON: Okay.

7

8 MS. MASON: It requests a positive c&t for caribou in
9 Unit 12 for residents of Healy Lake. This is one of the series
10 of proposals that were submitted by the Healy Lake Traditional
11 Council. And currently, Healy Lake is not specifically
12 acknowledged in any c&t determination, but as rural residents
13 of Unit 20(D), they do have a positive c&t for caribou in Unit
14 20. And last year the Board adopted revised c&t determination
15 for caribou in Unit 12 that is for rural residents of Unit 12,
16 residents of Dot Lake and Mentasta Lake. But the Board did not
17 include Healy Lake as part of that positive c&t. So this is a
18 request to be added to it. And I guess it should be emphasized
19 that Dot Lake is the only community in Unit 20(D) that
20 currently does have a positive c&t in Unit 12.

21

22 And again, the cultural information that's available
23 shows that Healy Lake is occupied by Tanacross Athabaskans.
24 They have connections by language. There have been inter-
25 marriages and kinship connections as well as trade among the
26 Athabaskans living in this area in a similar ecological
27 adaptation to other Athabascan groups. Caribou, as with the
28 other up river Tanana groups, caribou accounts for the largest
29 amount of wild meat in the diet, including Healy Lake. And
30 using the analogy of other communities, it can probably be
31 assumed that the people in Healy Lake generally harvest caribou
32 within 50 miles of their community, but sometimes they may
33 travel farther according to the situation.

34

35 The preliminary conclusion is that rural residents of
36 Healy Lake should be recognized as having a positive c&t in
37 Unit 12. And the data suggests that Healy Lake's pattern of
38 caribou use can be taken on the analogy of neighboring
39 Athabascan communities. And the distance from Healy Lake to
40 Unit 12 is well within the range of traditional hunting
41 distances for caribou. So that summarizes the analysis.

42

43 CHAIRMAN EWAN: Thank you. Agency comments?

44

45 MR. LOHSE: Could I ask a question?

46

47 CHAIRMAN EWAN: Go ahead, Ralph.

48

49 MR. LOHSE: I'd like to ask you a question. Maybe I'm
50 misinterpreting something. Is Unit 20(D) and Unit 12, are they

00201

1 both in Eastern?

2

3 MS. MASON: Yeah.

4

5 MR. LOHSE: They're both in the Eastern.....

6

7 MS. MASON: Region.

8

9 MR. LOHSE:Regional?

10

11 MS. MASON: Um-hum.

12

13 MR. LOHSE: So basically we're dealing with a community
14 that's in the Eastern region and we're dealing with a unit
15 that's in the Eastern region?

16

17 MS. MASON: Yes. The only overlap here is that
18 Mentasta Lake currently does have a positive c&t in Unit 12.

19

20 MR. LOHSE: And that's from our region?

21

22 MS. MASON: Right. And that's from your region.

23

24 MR. LOHSE: And we should deal with that and try and
25 get them in.

26

27 MS. MASON: Um-hum.

28

29 MR. LOHSE: But in this case, what we're dealing with
30 is we're dealing with is we're dealing with a community that's
31 in their region wanting customary and traditional in a unit
32 that's in their region?

33

34 MS. MASON: That's right.

35

36 MR. OSKOLKOFF: And your justification for bringing it
37 to us is that it effects those communities or that community
38 that is in our region?

39

40 MS. MASON: The only justification for bringing it to
41 you is the overlap in the c&t that there is somebody -- some
42 community from your region that currently has a c&t in Unit 12.

43

44 MR. OSKOLKOFF: And that it could potentially impact
45 them?

46

47 MS. MASON: Right. It could potentially impact users
48 in your region.

49

50 MR. OSKOLKOFF: Okay.

00202

1 CHAIRMAN EWAN: Written comments.

2

3 MS. EAKON: The recommendation of Eastern Interior
4 Regional Council on Proposal 99 is to support with modification
5 to include adjacent subunits. The Upper Tanana Fortymile
6 Advisory Committee supports with amendment to have a positive
7 c&t for Healy Lake also.

8

9 End of comments.

10

11 CHAIRMAN EWAN: Is there a problem with this proposal
12 -- or I think Ralph is pointing out, we're trying to find c&t
13 determinations for a community outside of our area.

14

15 MS. MASON: It doesn't seem very strongly linked to
16 your area.

17

18 MR. F. JOHN: I think maybe we should just say we
19 support Eastern's proposal and go on from that. I think that's
20 about all we could do.

21

22 MR. LOHSE: Support Eastern Interior's recommendation.

23

24 CHAIRMAN EWAN: Well, make that recommendation.

25

26 MR. F. JOHN: I make that motion.

27

28 CHAIRMAN EWAN: Is that motion understood? We just
29 support, we don't find any c&t determination or anything.
30 We'll just support.....

31

32 MR. LOHSE: Support Eastern Interior Regional Council
33 recommendations and I'll second that for benefit of discussion.

34

35 CHAIRMAN EWAN: Further discussion on the motion.

36

37 MR. OSKOLKOFF: Question.

38

39 CHAIRMAN EWAN: Question's called for. All those in
40 favor say
41 aye.

42

43 IN UNISON: Aye.

44

45 CHAIRMAN EWAN: Opposed by the same sign.

46

47 (No opposing votes)

48

49 CHAIRMAN EWAN: Okay. The next one is 100.

50

00203

1 MS. EAKON: Proposal 100 would revise a c&t
2 determination for sheep in Unit 12 by adding Healy Lake.
3 Rachel.

4
5 MS. MASON: Thank you. This proposal is just the same
6 as the last one.

7
8 CHAIRMAN EWAN: Ralph, do you have a question?

9
10 MR. LOHSE: Yeah. I was going to say, this one looks
11 to me like it's just the same.

12
13 MS. MASON: Um-hum.

14
15 MR. LOHSE: So what I would suggest that we do is hear
16 what Eastern Interior Regional's recommendations are and since
17 it's out of our area, I would prefer that we support their
18 recommendations.

19
20 MS. EAKON: The recommendation of Eastern Interior
21 Regional Council on Proposal 100 is to support the Staff
22 recommendation with modification to include adjacent subunits.

23
24 MR. LOHSE: So that would include Healy Lake.

25
26 CHAIRMAN EWAN: Make that motion and I guess we won't
27 have to go through the analysis and all that then.

28
29 MR. LOHSE: Right.

30
31 CHAIRMAN EWAN: You want to make that motion?

32
33 MR. LOHSE: I'll make that motion that we support -- on
34 Proposal 100 we support Eastern Interior Regional Council
35 recommendation?

36
37 CHAIRMAN EWAN: Is there a second?

38
39 MR. F. JOHN: I second that.

40
41 CHAIRMAN EWAN: Any further discussion on the motion?

42
43 MR. LOHSE: I think we should add that the
44 justification for it is that this is out of our area dealing
45 with a community that is out of our area and we defer to their
46 expertise.

47
48 MR. OSKOLKOFF: Question.

49
50 CHAIRMAN EWAN: All in favor of adopting the motion say

00204

1 aye.

2

3 IN UNISON: Aye.

4

5 CHAIRMAN EWAN: Opposed by the same sign.

6

7 (No opposing votes)

8

9 CHAIRMAN EWAN: Motion's carried. We're moving right
10 along today.

11

12 MS. EAKON: Proposal 101, which is the last of the
13 overlapping ones and therefore the last of the proposals that
14 you want to consider today would revise a c&t determination for
15 moose in Unit 12 by adding Healy Lake.

16

17 MR. LOHSE: Same thing?

18

19 MS. MASON: Yes. Mr. Chairman, I'll make it very easy
20 for you, this is the same thing again. And both of the
21 proposals are for users and use areas that are outside of your
22 region.

23

24 MR. LOHSE: And does Eastern Interior have a
25 recommendation on this one?

26

27 MS. MASON: I'm sure they do.

28

29 MS. EAKON: Somehow I don't have it. Somehow I do not
30 have Eastern's action.

31

32 MS. MASON: Okay, I can help out with that. Vince sent
33 it to me, here we go, here's 101.

34

35 MS. EAKON: Okay. Eastern Interior recommendation on
36 101, support Staff recommendation with modification to include
37 adjacent subunits.

38

39 MR. LOHSE: Mr. Chairman.

40

41 CHAIRMAN EWAN: Yes.

42

43 MR. LOHSE: I make a motion that we support Eastern
44 Interior Council recommendation. And again, the justification
45 being that this is dealing with a user group outside of our
46 area and an area outside of our area.

47

48 CHAIRMAN EWAN: Is there a second?

49

50 MR. DEMENTI: Second.

00205

1 CHAIRMAN EWAN: There's a motion and second, is there
2 any further discussion on the motion? Are you prepared to
3 vote?

4
5 MR. OSKOLKOFF: Question.

6
7 CHAIRMAN EWAN: All in favor of the motion say aye.

8
9 IN UNISON: Aye.

10
11 CHAIRMAN EWAN: Opposed by the same sign.

12
13 (No opposing votes)

14
15 CHAIRMAN EWAN: Motion is carried. 102 or.....

16
17 MS. EAKON: 101 and 104 were combined for analysis.

18
19 CHAIRMAN EWAN: Okay.

20
21 MS. EAKON: We're done on proposals.

22
23 CHAIRMAN EWAN: Where are we then on our agenda?

24
25 MR. LOHSE: We have to have a lunch break.

26
27 CHAIRMAN EWAN: I just want to know where we are here,
28 what's coming up next.

29
30 MS. EAKON: Next coming up will be old business, annual
31 report, update on research possibilities, new member training,
32 coordination with Fish and Game, Regional Council nominations.
33 Then agency reports. And then when the Kenaitze Tribe bus load
34 comes over, you'll tackle 10(B) and then select your time and
35 place of next meeting, and after which we'll adjourn.

36
37 CHAIRMAN EWAN: Can we start on this and go on to about
38 12:00? We'll go ahead and start on the annual report approval.

39
40 MS. EAKON: Sure. Please turn to Tab S as in Shirley.
41 As you recall at your fall meeting, you had picked three issues
42 for your '97 annual report. The first one was to comment on
43 the regulations that decreased regulations on ATVs for hunting
44 purposes. And I did attach a copy of the letter that Roy
45 signed that was addressed to Fish and Game regarding your
46 concerns on ATVs. Okay. The second issue was brought up by
47 your Chair regarding Kantishna Valley subsistence hunting, and
48 you recommended that this not set a precedent. And then
49 thirdly, you encouraged Regional Council review of any kind of
50 subsistence plans that are brought forth by any agencies.

00206

1 Well, the next question would be, do you have any
2 issues that you would like to add to your '97 report?

3
4 CHAIRMAN EWAN: Okay. You heard the question, is there
5 any issues that you want to include in the '98 annual report?

6
7 MS. EAKON: '97.

8
9 MR. LOHSE: So it would be added to this letter right
10 here?

11
12 MS. EAKON: In which case, I would revise the letter to
13 add the issues.

14
15 CHAIRMAN EWAN: You want to add -- oh, I see.

16
17 MS. EAKON: We're still on the '97 report.

18
19 CHAIRMAN EWAN: Yes, Ralph.

20
21 MR. LOHSE: I think we should -- I know that there's
22 not much that we can do about it, but I think we should address
23 our concern to the continued decline of the Mentasta caribou
24 herd to the necessity of closing down the subsistence season
25 there due to the lack of calf survival because of predation.

26
27 CHAIRMAN EWAN: You want to write it up?

28
29 MS. EAKON: Would you be so kind as to write it up and
30 I will add it to the '97 report?

31
32 MR. LOHSE: Okay.

33
34 MS. EAKON: Thank you.

35
36 CHAIRMAN EWAN: It only needs about one paragraph.

37
38 MR. LOHSE: Yeah.

39
40 MS. EAKON: Okay. In which case you could read it
41 maybe after lunch and I will incorporate it in your '97 report.

42
43 CHAIRMAN EWAN: Just a little discussion on ATVs. I
44 know that we were all concerned about the impact ATVs were
45 having on the game, especially caribou and moose. What's the
46 latest now, I don't know? I understand that the Alaska
47 Department of Fish and Game had a meeting where they talked
48 about ATVs, I'm just wondering about what's going on? Do you
49 want to come up and make a comment about that.

50

00207

1 MR. SELINGER: This is Jeff Selinger with the
2 Department of Fish and Game, thanks, Mr. Chair. I don't know
3 all the particulars that are going on. What happened is they
4 -- at the last -- at the Board meetings in November and maybe
5 -- I don't know if Fred is familiar with some of this stuff or
6 not, but I believe that what happened was that the ORV issue
7 got pushed forward by the Board of Game and they called for a
8 special meeting last November. the long and short of it was is
9 what the Department has decided to do is undertake a long-term
10 planning effort to address the ORV issue. Unfortunately we
11 have no comprehensive extensive all encompassing maps of where
12 ORVs are being used yet. I mean we have incidental
13 information, but it's not all mapped out. So the Department
14 feels that we need to get into a long-term plan. It's probably
15 going to take about two years to implement everything to get
16 enough information available and collect the information and
17 have it summarized and assimilated so it's useable.

18
19 The Board of Game went deiced to go ahead and create a
20 short-term committee. And the short-term committee, they
21 addressed several issues that they thought could be handled out
22 of the proposals that were addressed. A lot of those proposals
23 could be handled in the short-term, they felt two years was too
24 long to wait to address some of the proposals. And so they
25 came up with a committee made up of Board members ORV users,
26 people who do not necessarily use ORVs, and my supervisor Bob
27 Tobey is on that committee also. They're going through a
28 process now, they have no -- to my knowledge there has been no
29 decisions made, and they are continuing meetings and they're
30 proceeding forward with that process. And I'm sorry, I can't
31 be more help than that, but that's about what I know of it.

32
33 CHAIRMAN EWAN: From what I read, the whole process, it
34 sounds like the public has a lot to say in this, I mean there's
35 a lot of.....

36
37 MR. SELINGER: Absolutely. It's very controversial.

38
39 CHAIRMAN EWAN: Especially from the public, yeah.

40
41 MR. SELINGER: And the idea between the -- the
42 Department's idea -- the Department of Fish and Game's idea was
43 to be something similar to like what happened with the
44 Fortymile caribou plan where you're bringing everybody possible
45 -- as many possible to the table allowing for public comments
46 and review process of what was proposed to do to handle the ORV
47 issue and that would take a few years.

48
49 CHAIRMAN EWAN: Okay. Thank you. Any other issue that
50 should be included to add to this letter that we send to Mitch

00208

1 Demientieff? I guess that's it.

2

3 MS. EAKON: That's it for the Annual Report '97.

4

5 CHAIRMAN EWAN: Do we have time to go into the next
6 topic then, B?

7

8 MS. EAKON: Update on research possibilities. Rachel
9 just momentarily stepped away I guess, but she was going to
10 address that.

11

12 CHAIRMAN EWAN: Go on to item C then.

13

14 MS. EAKON: Okay. Regional Council new member training
15 materials. I just wanted to add, along with your book you
16 received a copy of the final training manual, and that was
17 at.....

18

19 CHAIRMAN EWAN: Yeah, I think we did comment a little
20 bit about that. Did everybody receive that booklet? I think
21 it's a good start.

22

23 MS. EAKON: That seems to be a statewide Regional
24 Council comment, that it is an improvement over the old manual
25 and is a good source of information.

26

27 MR. OSKOLKOFF: And I wanted to comment, I know I had
28 commented in the past that we needed one and I want to say that
29 it's a very good document and very straightforward. I would
30 suggest that there be an addition of a time line in the future,
31 when certain events occur and that be inserted into this
32 document annually, you know, as an appendix.

33

34 CHAIRMAN EWAN: Okay. I thought there was something in
35 there about the time, proposals and such.

36

37 MR. OSKOLKOFF: It's cursory. But I think something
38 more in-depth perhaps on the interworkings of the Council
39 itself, is what I was suggesting.

40

41 CHAIRMAN EWAN: Okay. Yes, Ralph.

42

43 MR. LOHSE: I could, at this point in time, read what I
44 wrote and see if it meets the approval of the Council, if
45 that's acceptable?

46

47 CHAIRMAN EWAN: All right, let's hear it.

48

49 MR. LOHSE: The Southcentral Regional Council would
50 like to express their concern over the present decline of the

00209

1 Mentasta Caribou Herd which necessitated the current closure of
2 the subsistence season. We recognize the need for this closure
3 due to lack of recruitment because of poor calf survival. We
4 feel this problem is directly caused by predation and would
5 appreciate any exceptions that could be brought forth to
6 encourage predator control in this area.

7

8 CHAIRMAN EWAN: Sounds okay to me. You've got the
9 approval, so go ahead on that.

10

11 MR. LOHSE: Can you read my scribbling?

12

13 MS. EAKON: Thank you very much.

14

15 CHAIRMAN EWAN: We have time to take care of one more
16 item, Rachel, we skipped update of research possibilities, you
17 want to comment on that.

18

19 MS. MASON: Just a very brief update. Helga and I have
20 been down to Ninilchik and spoke with some elders that the
21 Traditional Council, along with Gail Smith, who's the
22 coordinator, and we were developing a research project in
23 cooperation with the Division of Subsistence of ADF&G to
24 assemble more information on subsistence harvest in Ninilchik.
25 We hope that eventually there will be -- Seldovia will be
26 involved as well, and we have talked with people in Seldovia
27 about it and another component of the study is to conduct more
28 research on the communities in the Homer rural area in order to
29 get a better idea of what kinds of harvest of subsistence
30 resources exist in that area.

31

32 We have entered this into the budget of the cooperative
33 agreement with ADF&G. And I've talked with Gail Smith on the
34 phone about developing a budget, and in the next month or so
35 I'll be working more closely with her in order to coordinate
36 all the possibilities for research there.

37

38 CHAIRMAN EWAN: Is there any reason why you're focusing
39 on that area there, the Ninilchik and those areas?

40

41 MS. MASON: Yeah. The reason is because there is --
42 throughout all the c&t determinations there has been a lack of
43 recent information on harvests. And we're trying to fill that
44 gap.

45

46 CHAIRMAN EWAN: Are you thinking about doing that in
47 other areas where there might be information?

48

49 MS. MASON: The progress has gone the furthest on the
50 Kenai Peninsula. I think there's a need for several

00210

1 communities on the Kenai Peninsula, Moose Pass and Seward come
2 to mind as communities that we don't really have any good
3 recent harvest information from. But only on the Kenai
4 Peninsula have we gotten that far with it.

5

6 CHAIRMAN EWAN: Thank you. Any questions of Rachel?
7 If not, do we have time for one more -- what time is it anyway
8 -- we got about 11:50, coordination with ADF&G, Item D.

9

10 MS. EAKON: Tom, could you address this please?

11

12 CHAIRMAN EWAN: Tom.

13

14 MR. BOYD: Mr. Chair, turn to Tab T in your books
15 you'll see a letter right off the bat from the Chair of the
16 Federal Subsistence Board, Mitch Demientieff. And this focuses
17 you on an issue that was brought -- or a part of an issue that
18 was brought before you last fall. To bring you up to date on
19 activities surrounding discussions or deliberations with the
20 Alaska Department of Fish and Game and the Federal Subsistence
21 Program Staff to enhance coordination and cooperation between
22 the two entities.

23

24 And just to recap from last year, and there's several
25 briefing papers in this tab that will inform you in greater
26 detail that I'm going to be briefing you on, I'm going to try
27 to hit some of the high points. Over the last year we've
28 convened a State/Federal committee to look at ways to better
29 coordinate State and Federal management systems. Some of the
30 ideas that they came up with were trying to figure out ways to
31 align the schedules, regulatory schedules to hopefully foster,
32 you know, better decision and better coordination between the
33 two entities, the local advisory committees and the Regional
34 Advisory Councils. And for better coordination with the Staff,
35 the technical staff of the Alaska Department of Fish and Game
36 in the area of review of our regulatory proposal analysis.
37 Better attendance of Regional Advisory Council meetings and you
38 can see we have representatives from the State here today that
39 that's part of this overall coordination. And then to enhance
40 the Staff-to-Staff coordination that's been ongoing since the
41 beginning of the Federal Subsistence Program. We have
42 biologists with the State that participate with biologists from
43 our office, the same with the anthropological staff and the
44 subsistence division staff. There's been a lot of close
45 interaction all along, and we were looking for ways to
46 strengthen our ties, not so much to weaken the Federal
47 subsistence mandate, but to strengthen the information that
48 comes before the Councils and then to the Board for better
49 decision making.

50

00211

1 And generally, this was presented last fall to the
2 Council -- all the Councils. If you'll look a few pages in,
3 you'll see a summary of the -- we called it at that time, a
4 memorandum of agreement or MOA issues, because at that time and
5 we still don't know where we're going to end up, we thought we
6 were going to be developing a formal document, a memorandum of
7 agreement, and we still may, but I think right now, the focus
8 is a little more general just to figure out ways to better
9 coordinate. It may end up with a memorandum of agreement, but
10 it may be that we just figure out ways to better interact.
11

12 When we presented this last fall, this Council took no
13 formal action. One Council member offered comment. He thought
14 that increased coordination was a good idea but hoped that it
15 would not delay the Federal process to the detriment of
16 subsistence users. There were a variety of other comments from
17 other Councils, some supported and some not supported. And you
18 can sort of go through those. I won't spend a lot of time
19 going through those. But on that last page of Tab T, last two
20 pages, you'll find that summary.
21

22 We have already instituted some of the coordination
23 components of the suggestions that were made of a State/Federal
24 Committee, and one is the review of proposals. We have sent
25 out all the proposal analysis to the State prior to them coming
26 to the Councils, to get their input prior to your meeting.
27 Another idea that has yet to be implemented is the attendance
28 of Alaska Department of Fish and Game at Staff Committee
29 meetings when there are discussions dealing with regulatory
30 proposals or other issues effecting State management. Our
31 intention was to move ahead with this. Some of the Board
32 members, the Federal Subsistence Board members felt that we
33 needed to get input from the Councils before we instituted this
34 particular item. And so hence, that's the thrust of the letter
35 that you find directly the first page under Tab T signed by
36 Mitch Demientieff. Basically what is being proposed by the
37 Staff Committee is to have Alaska Department of Fish and Game
38 representatives participate in Staff Committee meetings when
39 regulatory proposals or other issues effecting State management
40 programs are considered by the Committee, and that would be
41 most of the time. And I think you could probably consider this
42 as a standing invitation to the State to participate directly
43 with the Staff Committee. And it still remains a Staff-to-
44 Staff function.
45

46 The second recommendation here is that representatives
47 of the Councils also be invited to participate, if necessary,
48 and I'll stress those words, if necessary, to address issues
49 effecting respective Councils. And that is not viewed, and I
50 want to make clarification here as a standing invitation, but

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1 as necessary to discuss issues effecting the Councils. I can't
2 tell you what that exactly means, but I think as we -- as the
3 Staff Committee meets to discuss these items and they have a
4 need for Council input and at that time they would decide, you
5 know, to invite members of the Councils. So I want to create a
6 distinction there between the invitation to Alaska Department
7 of Fish and Game Staff and the invitation to the Regional
8 Councils.

9
10 Overall, the purpose of Staff Committee meetings has
11 been to develop Staff recommendations to the Board. Obviously
12 when you meet in this session you develop Regional Council
13 recommendations to the Board which have a lot of deference
14 under Section 805 in ANILCA.

15
16 The presence of Alaska Department of Fish and Game in
17 the meetings of the Staff Committee would be for the primary
18 purpose of helping our Staff, the Staff Committee interpret
19 data collected by ADF&G, and not to participate in development
20 of Staff recommendations. So there's a clear distinction of
21 what their role would be in a Staff Committee meeting. And
22 essentially that's what this letter is putting before you and
23 is requesting your input to that, if you feel like that's a
24 good idea or not a good idea and why. The Board really wants
25 to know how you feel about this. And I guess I should clarify
26 that when the Staff Committee was discussing this, it was not a
27 unified -- it was not a consensus among the Staff Committee,
28 the majority of the Staff Committee felt that we should invite
29 them, but there were two members of the Staff Committee that
30 felt -- or at least one member of the Staff Committee that felt
31 that we should not, and another member felt that there should
32 be parody, if you will, between the ADF&G participation and the
33 Regional Council participation of the Staff Committee.

34
35 CHAIRMAN EWAN: Ralph.

36
37 MR. LOHSE: Yeah. I just had one question out of what
38 I got there and I couldn't quite understand that. Basically
39 what I understood was that you said that the ADF&G
40 participation would be basically an open invitation? In other
41 words, an open invitation means they can come if they want
42 anytime they want? Am I wrong?

43
44 MR. BOYD: Well, an open invitation with regard to when
45 we have meetings, when regulatory proposals are being discussed
46 where they have data that has been used in the development of
47 analysis. Where they have -- we have used State data.

48
49 MR. LOHSE: But an open invitation in my book is one
50 where you don't specifically request them for that time, they

00213

1 can come if they feel that their data is applicable and they
2 need to show it to you?

3
4 MR. BOYD: Yes.

5
6 MR. LOHSE: And basically then with the Regional
7 Council though, you had for a lack of a better way of putting
8 it, an unopened.....

9
10 MR. BOYD: By invitation, right.

11
12 MR. LOHSE:by invitation only?

13
14 MR. BOYD: Right. I wanted to make that distinction
15 clear that you would understand just what you said, Ralph.

16
17 MR. LOHSE: Yeah. And that, to me, in a way that's
18 reversed from the way it should be. I mean there should be --
19 if you're having Staff meetings, there should be an open
20 invitation to members of the Council coming in and sitting in
21 and listening. And that's not being critical of the Fish and
22 Game.....

23
24 MR. BOYD: Sure.

25
26 MR. LOHSE:or anything. What I'm saying is for
27 what you're dealing with right here, the open invitation should
28 be to the Regional Council, the invitation -- I mean if there's
29 -- I'm not saying you shouldn't have an open invitation to the
30 Fish and Game, but if there's an open invitation to Fish and
31 Game, an open invitation should be to the Council. The request
32 invitation should go in the other direction, you know. And it
33 just seems -- that's what I thought you said and it just seemed
34 backwards to me.

35
36 MR. BOYD: Um-hum. What I'm hearing is that's one of
37 your comments?

38
39 MR. LOHSE: That'd be one of my comments -- that would
40 be my comment. I mean my comment would be, I couldn't see why
41 a Staff meeting would want to be -- why it wouldn't be open to
42 a member of the Regional Council if they wanted to attend and
43 why, at the same time, it would be open to -- I mean, to me,
44 they should either be both by invitation or both open. And
45 technically speaking, in my way of thinking, from an
46 informational standpoint and from a non-participatory
47 standpoint, but just being present, it would be more logical
48 that they would be open to the Regional Council, then they'd be
49 open to anybody else.

50

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1 MR. BOYD: And you know, I think that's fair Ralph. I
2 think I would, just for purposes of having, the Council
3 understand what goes on in those deliberations, my sense is if
4 any of you wanted to come up and listen, that would be fine. I
5 think we're trying to lay this out for purpose of when we --
6 you know, when we think we need additional input for the
7 deliberations that are on the agenda for that meeting, we would
8 go out and maybe solicit your input.

9
10 MR. LOHSE: Yeah.

11
12 MR. BOYD: And maybe we're getting a little confused
13 here. I mean if a member felt like something was going on they
14 wanted to be part of, I dare say that anyone would say, no, you
15 can't come.

16
17 MR. LOHSE: Well, I wasn't even thinking that far. I
18 think that your option to solicit information from the Regional
19 Council or the Fish and Game is, that's an open priority option
20 to you at any time.

21
22 MR. BOYD: Right.

23
24 MR. LOHSE: But as far as -- I guess I just didn't like
25 the idea that when you use the word, open invitation and by
26 invitation, that basically, in my way of thinking means that
27 the door can be shut on one, but the others can come if they
28 want. And I think -- my personal opinion is it should be an
29 open invitation to both to not participate, but to be present
30 to observe what's going on. And I can see, when I go back and
31 I look in your legal things back here, I can see there are
32 times that you may want to, just, you know, use your
33 discrimination to close your meetings to either Fish and Game
34 or to the Council, simply because it could limit frank
35 discussion and things like that.

36
37 MR. BOYD: Um-hum.

38
39 MR. LOHSE: But unless there's a need for that, it
40 should be open.

41
42 MR. BOYD: Well, let me clear up a point, and I used
43 the distinction open and by invitation more to show that there
44 was a distinction between the two. And clearly there will be
45 times and could be times that we would close -- we would not
46 have the State present or not invite the State or the Councils.

47
48 MR. LOHSE: Or the Councils, yeah.

49
50 CHAIRMAN EWAN: I think I tend to agree with Ralph, not

00215

1 because I'm suspicious of what's going on but we could easily
2 get the wrong people involved here and things could go on
3 behind doors that could be detrimental.....

4

5 MR. LOHSE: Yeah.

6

7 CHAIRMAN EWAN:to the subsistence users.

8

9 MR. BOYD: You know nature of process, Mr. Chair, is
10 that it is an open process on the whole because everything gets
11 aired in the end where the decision is made with the Board.
12 The Staff Committee makes no decisions, they make
13 recommendations to the Board and they constitute the Staff
14 recommendation. The Councils always weigh in at that level.

15

16 CHAIRMAN EWAN: Right. But let me say, I think the
17 letter's good. I think it covers our concerns and everything.

18

19 MR. BOYD: Yeah.

20

21 CHAIRMAN EWAN: I'm wondering about the process though.
22 If you do invite them to make comments or do whatever in the
23 process on proposals, is there kind of a deadline, you don't
24 wait forever for them to do something.

25

26 MR. BOYD: No. As a matter-of-fact, they complained
27 this time that they didn't have enough time. We move ahead, we
28 don't wait around. It's to offer them an opportunity to
29 provide technical input as we go forward. And the idea is to
30 provide better information to the Councils. We don't want to
31 be sitting at the table arguing with the State in front of you,
32 for example, over what the data means.

33

34 CHAIRMAN EWAN: Any comments or questions. Thank you.
35 I think that took care of that then, let's break for lunch now.

36

37 MR. WILLIS: Mr. Chair, this is Robert Willis.

38

39 CHAIRMAN EWAN: Yes, Robert.

40

41 MR. WILLIS: I have two messages for people at the
42 meeting.

43

44 MS. EAKON: Go ahead.

45

46 MR. WILLIS: I need Rosa Meehan to call Michelle
47 Chivers. And I would like Ralph Lohse to call me after lunch.

48

49 MR. LOHSE: What's the phone number?

50

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1 MR. WILLIS: The toll free number is 1-800 -- just a
2 minute, I got to look it up.

3
4 MS. MASON: We know it.

5
6 MR. LOHSE: Okay.

7
8 MR. WILLIS: Thank you.

9
10 CHAIRMAN EWAN: Let's break for lunch for one hour.

11
12 (Off record - 12:07 p.m.)

13
14 (On record - 1:06 p.m)

15
16 CHAIRMAN EWAN: I'll call the meeting back to order. I
17 believe we're done with the coordination with the Alaska
18 Department of Fish and Game, right?

19
20 MS. EAKON: That is correct.

21
22 CHAIRMAN EWAN: The next item is E then, Regional
23 Council nomination process update. Helga.

24
25 MS. EAKON: If you will look under Tab U as in
26 Unalakleet, you will find that there's an application there and
27 who the different seats are up in the state. In this
28 particular region there are two seats that will be coming
29 vacant this fall, those currently held by Roy Ewan and Gary
30 Oskolkoff. And just to remind you that the application
31 deadline is March 20. There is an application the books, and
32 that's all I have on this topic.

33
34 CHAIRMAN EWAN: So we as individuals, if we want to
35 continue, we have to apply; is that correct?

36
37 MS. EAKON: Yes.

38
39 CHAIRMAN EWAN: If we don't, we're not.....

40
41 MS. EAKON: If we don't receive your application,
42 you're not in the running for consideration. March 20 is the
43 deadline.

44
45 MS. MASON: Wow, that's like tomorrow.

46
47 MS. EAKON: Yes, tomorrow. That's all I have on this
48 particular topic.

49
50 CHAIRMAN EWAN: Okay, we'll go on to new business then.

00217

1 MS. EAKON: Okay.

2

3 CHAIRMAN EWAN: We'll have agency reports. Anybody
4 here for Fish and Wildlife Service, who's going to do that?

5

6 MS. EAKON: Tom.

7

8 CHAIRMAN EWAN: Okay.

9

10 MR. BOYD: Is this where we do all of these board
11 restructuring?

12

13 MS. EAKON: Yes. Board restructuring followed by
14 special action policies, followed by consent agenda, and
15 they're all under Tab V as in Victor.

16

17 MR. BOYD: Okay, Mr. Chair, under Tab V. The first
18 item, this is an informational item that I just wanted to just
19 go over with you, it's under Tab V, the very first item,
20 Federal Subsistence Board restructuring. This has been an
21 issue of the Council Chairs over the last couple of years. In
22 April of '97 -- and normally we have a joint session between
23 the Council Chairs, all 10 of them and the Federal Board before
24 the Board goes into session in the spring meeting, and they air
25 issues of common concern, and this was one of the issues that
26 has been raised by the Council Chairs. That the desire to have
27 a Board more closely aligned with subsistence users.

28

29 And in order to address this, the Federal Subsistence
30 Board established a, we call it a task force here, but it's
31 basically a committee composed of three members of the Federal
32 Subsistence Board and one of the Chairs of the Councils, and
33 that was Bill Thomas of the Southeast Council. This committee
34 has met to review this issue of restructuring the Federal
35 Subsistence Board. They identified three alternatives that are
36 kind of listed on the center of that page -- that first page
37 under Tab V. One would be to retain the existing Board. The
38 second one is the existing Board plus at least one Regional
39 Advisory Council Chair nominated by the Council Chairs. And
40 this was the alternative that was recommended by the Council
41 Chairs at the April '97 joint meeting of the Chairs and the
42 Board. The third alternative is existing Board plus one
43 subsistence user and one State representative nominated by the
44 Governor.

45

46 These alternatives were forwarded to you last fall for
47 comments to all the Councils and we have kind of a synopsis in
48 that next to the last paragraph on that page of how the
49 Councils viewed these. Essentially two Councils supported
50 Alternative 1, six Councils supported Alternative 2, and one

00218

1 Council suggested an independent legal review of the
2 constraints associated with Board restructuring, and one
3 Council recommended the Board restructured to be composed of
4 six voting subsistence users and three non-voting agency
5 representatives.

6
7 The task force convened again on January 28th of this
8 year to review the Council comments and develop a
9 recommendation to the Board, and that's the next step in this
10 process. The Board has not deliberated on this yet. What they
11 are recommending, now, let me just go straight to that, is not
12 to change the Board structure, but to change the Board process,
13 that would allow for additional opportunity for Regional
14 Council comments following Board deliberations and immediately
15 prior to Board action on each proposal. That's annually in the
16 spring meeting, their process.

17
18 Now, the rationale that they used to come to that
19 conclusion, I think is expressed beginning on the last
20 paragraph of the first page of the document. Essentially the
21 Councils -- the primary concerns that prompted this issue was
22 that the Councils wanted to ensure that subsistence user
23 perspectives were fully aired during Board discussion of the
24 issues, and that, in particular, if new issues arose during
25 Board deliberations, the Council members were not afforded an
26 opportunity to address these issues during this phase of Board
27 discussion. So the task force determined that the Council's
28 concerns about adequate -- or about inadequate participation in
29 Board meetings could be addressed by changing the Board's
30 proposal review process to include greater participation by the
31 Regional Council representatives. And to say again what
32 they're proposing then back to the Board is that the process
33 for reviewing proposals include an additional opportunity for
34 Regional Council comments following the Board motion and
35 deliberations, before the Board then votes on the action on the
36 proposal.

37
38 I think additional to that, I think the Board was
39 concerned, and the Councils as well, about the inability -- the
40 task force, I should say was concerned about the inability of
41 one Board member from the Councils to represent fairly all the
42 regions and/or adequately all the regions. So in this way, all
43 the Chairs are present at the Board meeting and can enter into
44 dialogue, additional dialogue with the Board or commentary with
45 the Board just prior to a Board vote.

46
47 And that's essentially the report. There's also some
48 text in here following this that's prepared by Bill Thomas, and
49 he wanted to make a statement about the process that's used by
50 the Board and he offers that in three pages following this

00219

1 briefing paper on this issue. And that concludes my report,
2 Mr. Chair.

3
4 CHAIRMAN EWAN: I want to comment on this membership of
5 Federal Subsistence Board. I kind of supported the idea of
6 that we could add membership to that Board. The idea of having
7 a Council member, maybe a Chair of one of the Councils sit on
8 the Board. I just want to, for the record, state one of the
9 reasons, and that is the way it's set up right now, it's all
10 under Secretary of Interior, he has total control over
11 everybody practically. You have to have some kind of, I guess,
12 allegiance to your boss, and it just bothers me that somebody
13 that's kind of not in that situation is on the Board, that's
14 one.

15
16 And then I think we stated before and you're trying to
17 fix that, the process where we don't get to comment once it
18 passes our comment period, in the previous process, we don't
19 have any say anymore after that, I mean that kind of bothered
20 me, even though we did have maybe some additional comments to
21 make and I guess the process didn't allow us that opportunity.
22 That's just my comment on that.

23
24 MR. BOYD: Let me respond to just provide
25 understanding. I think that part of the struggle in this
26 deliberation about bringing someone, say a Chair, one of the
27 Chairs to be a Board member, there were legal considerations.
28 The Secretary cannot delegate his authority to a non-Federal
29 employee, essentially. Well, some might argue, well, then make
30 that person a Federal employee, and the counter argument to
31 that is, if you're doing that just to circumvent the delegation
32 of authority requirements, there could be legal challenges to
33 that. And they're trying to avoid that if they can.

34
35 I think what they opted to do was to strengthen the
36 ability of the Councils to participate in the deliberations
37 without, sort of crossing that line between Federal and non-
38 Federal. And so that's the balance that was struck. This is
39 the recommendation of the Committee though has yet to present
40 to the Board. The Board hasn't decided this is the way they're
41 going to go yet. And they will have to decide fairly soon
42 here.

43
44 CHAIRMAN EWAN: Any comments or questions about that
45 particular part? There's more, right?

46
47 MR. BOYD: Yeah, there's more subjects to cover.

48
49 CHAIRMAN EWAN: We'll go on then.

50

00220

1 MR. BOYD: If you'll turn to another page under that
2 tab, the title is request for reconsideration and special
3 policy action policy clarification.

4
5 Requests for reconsideration or as we call them, RFRs,
6 we're full of acronyms, are essentially an opportunity for an
7 aggrieved public to appeal essentially a Board decision after
8 the Board makes its decision. And these occur after the normal
9 regulatory cycle. Generally the RFRs are 60 days following
10 Board decisions or the publication of the rulemaking of the
11 Board, that people can come back in and request that these
12 actions by the Board be reconsidered.

13
14 Special actions are those regulatory actions that are
15 made as a result of some sort of emergency or need that arises
16 that during the middle of a season or something but it's
17 outside the normal regulatory process. And what this policy
18 clarification is is an attempt to set forth a policy that would
19 prevent people from using the RFR or special action process
20 from circumventing the normal annual regulatory process. It's
21 not an attempt to do anything sneaky, but it's an attempt to
22 put in writing so everyone has a clear understanding that these
23 -- the purpose of these process are for reasonable, you know,
24 requests for reconsideration or reasonable request for special
25 actions. And the real text of the policy is on the second page
26 where it states that under request for reconsideration, the
27 Board will accept a request for reconsideration only if the
28 request is presented within the allotted time frame, 60 days,
29 and two, that it is based on information, not previously
30 considered by the Board, demonstrates that existing information
31 is incorrect or demonstrates that the Board's interpretation of
32 information applicable or a regulation is in error. We want
33 concrete reasons to deal with a request for reconsideration,
34 not just because I don't like it.

35
36 And the second is, under special actions. Special
37 actions are temporary changes in seasons and harvest limits
38 when there are extenuating circumstances necessitating a
39 regulatory change before the next annual subpart (D) review
40 process. These circumstances include unusual or significant
41 changes in resource abundance or unusual conditions effecting
42 harvest opportunities that could not have reasonably been
43 anticipated and potentially could have significant adverse
44 effects on the health of fish and wildlife populations of the
45 satisfaction of subsistence opportunities. The idea here is
46 like an emergency closure or if we find that we have more
47 animals then we can increase the harvest, something that was
48 not anticipated at the time we set the regulation.

49
50 And again, this is an attempt to clarify so that we

00221

1 don't have what I would call arbitrary and capricious requests
2 coming in and taking up your time and the Board's time in
3 deliberating these. We want good solid foundations for the
4 process. And again, the language here is currently under
5 review by our solicitor's office for legal -- to satisfy any
6 legal requirements. But that's essentially what we're
7 proposing to put out in a policy to clarify.

8
9 MR. OSKOLKOFF: Mr. Chairman.

10
11 CHAIRMAN EWAN: Yes, Gary.

12
13 MR. OSKOLKOFF: If I could just make one comment with
14 regard to that. I think using an and rather than an or.....

15
16 MR. BOYD: Where is that?

17
18 MR. OSKOLKOFF: In the middle of that section of the
19 last sentence that you just read, extenuating circumstances
20 include unusual and significant changes in resource abundance
21 or unusual conditions that could not reasonably have been
22 anticipated and that potentially could have significant adverse
23 effect. I think there should be a list of perhaps ors, but I
24 think if you tie an and in there, you may want to soften the
25 language a little bit so it's not too high of a threshold
26 because I could see where one could easily say that -- you
27 know, it doesn't mean both things at the same time.

28
29 MR. BOYD: So an and/or where it says or, is that what
30 you're suggesting?

31
32 MR. OSKOLKOFF: Yeah, an and/or where it says and,
33 actually, between anticipated and that on the one, two, three,
34 four, fifth line or softening of the wording on either side of
35 the and, I guess is what I'm saying. Either would accomplish
36 what my intention is is to not set a threshold so high that it
37 would be unusual or very difficult for an individual to meet
38 that direction. So I think if you're dealing with extenuating
39 circumstances and something that couldn't be seen, you're
40 already in a situation in which there's a problem.

41
42 MR. BOYD: Right.

43
44 MR. OSKOLKOFF: And I think the Board would recognize
45 that and I don't want to setup for them either a high enough
46 threshold that they can't reach very easily either.

47
48 MR. BOYD: Well, the intent here, and I'll say it
49 again, is that we don't get people trying to circumvent the
50 normal regulatory process. That is the only intent here, not

00222

1 -- and again you're highlighting something that I haven't even
2 observed that perhaps this sets the bar too high to meet that.

3
4 MR. OSKOLKOFF: Yeah, that's my only comment, is that,
5 it might be a little too high. But it may not be once it's
6 read and read again.

7
8 MR. BOYD: Okay. When you're ready to move on I'll go
9 to the next topic.

10
11 CHAIRMAN EWAN: In this number two here, it raises a
12 question in mind, and that is, when you say some information is
13 incorrect or something.

14
15 MR. BOYD: Right.

16
17 CHAIRMAN EWAN: I'm just wondering whether the
18 information -- how do we check to see if information is correct
19 presently, I'm just wondering. It seems to me like there's
20 room for manipulation anyhow. I mean is there some way that we
21 can recommend that most of the information is checked by --
22 maybe having -- if they're doing a survey, outside person
23 involved in it or something.....

24
25 MR. BOYD: Well, I'm not.....

26
27 CHAIRMAN EWAN: Do you know what I'm getting at?

28
29 MR. BOYD: Yes.

30
31 CHAIRMAN EWAN: You get -- the Alaska Department of
32 Fish and Game that has an individual that does not want a hunt,
33 he could say that there's a lower number. A person that pays
34 can pretty much request what they want out of -- I'm not saying
35 it's done, but how do we expect to -- I mean you raised a
36 question in my mind about that information being incorrect.

37
38 MR. BOYD: Well, we have had requests for
39 reconsideration because the analysis supporting whatever the
40 decision was may have had erroneous information in it. We may
41 have used or interpreted some data wrongly, and that may be the
42 basis of a challenge to the decision. And so if they say that,
43 we would except that request and go back and look at the data
44 and reanalyze it and determine whether or not we made an error.
45 And that may be -- and all we're saying here is that would be
46 sort of a valid basis for at least going back to look at it.
47 That doesn't necessarily determine the outcome of the request
48 for reconsideration.

49
50 CHAIRMAN EWAN: Well, the reason I bring this question

00223

1 up is you heard about the Whaling Commission and what they --
2 the Eskimo people up there were finding.....

3
4 MR. BOYD: Right.

5
6 CHAIRMAN EWAN:that there were more whales than
7 the studies reported. Could that be happening here, I'm just
8 wondering?

9
10 MR. BOYD: Right. And in a circumstance like that it
11 would be a different set of data being brought to bear on the
12 same issue. And that would be the basis for us to reconsider
13 an action that may have been.....

14
15 CHAIRMAN EWAN: I'm thinking ahead, Tom, I'm not.....

16
17 MR. BOYD: Yeah, I agree.

18
19 CHAIRMAN EWAN:thinking about what you're trying
20 to do here.

21
22 MR. BOYD: Yeah. What you're saying and I'm trying to
23 come up with a parallel example in our realm and I can't think
24 of one and maybe I can get some help from Staff. We are doing
25 some -- there are ongoing studies that go on all the time and
26 it may be that a decision is made today and then this summer we
27 get some new data or between now and the end of the RFR period
28 that we get some new data that supports a different conclusion,
29 that would be an opportunity then to go back and revisit that
30 decision. If somebody said, no, we got some new data here that
31 says this is wrong, we would then accept an appeal to
32 reconsider it. Is that -- I'm not sure that we're connecting
33 here.

34
35 CHAIRMAN EWAN: I just want to bring that up for
36 discussion.

37
38 MR. BOYD: Yeah.

39
40 CHAIRMAN EWAN: For maybe sometime in the future.

41
42 MR. BOYD: It's a good point.

43
44 CHAIRMAN EWAN: We may want to have some kind of check
45 and balance to make sure that we're getting accurate
46 information, that's the point I want to make.

47
48 MR. OSKOLKOFF: Mr. Chairman, along those lines on that
49 same line, I think there also gets to be a pretty high
50 threshold for the individual. I could see in a case where

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1 you'd have perhaps a tribe or an organization who has staff
2 available and an attorney available and maybe even a researcher
3 to talk about this information. But I think when you ask them
4 to demonstrate that the existing information is incorrect, it
5 shows the burden of proof upon the individual, of course,
6 they're asking for reconsideration so there may be a
7 justification for that, but still it throws a burden of proof
8 that seems almost insurmountable because they're almost having
9 to prove that it's incorrect as opposed to if they brought a
10 reasonable doubt perhaps, or something like that to where the
11 Board may say, well, we're not sure whether your information is
12 correct or our information is correct, therefore, maybe we
13 should reconsider this. Rather than the individual having to
14 demonstrate that outright. That's a very hard thing to say.
15 And I think what Roy is saying is correct, you then get into
16 how do you interpret and who can really say and I think it sets
17 the bar again, just a little too high. And maybe if there was
18 a little different wording with regard to that I think I would
19 be a little more satisfied.

20
21 The same thing on the last part of that or demonstrates
22 that the Board's interpretation of information, applicable law
23 or regulation is error, you're actually having to demonstrate
24 that the Board is in error. And I think if it said, you know,
25 demonstrate that the Board may be in error or something like
26 that would lower the threshold a little bit. But the Board is
27 still going to be the ultimate authority as determining whether
28 they may be in error or not. But here you have to demonstrate
29 that they actually are in error, and that's a pretty
30 significant burden of proof in my opinion, especially being
31 that they made the decision in the first place and they're
32 judging themselves whether they're in error or not. That makes
33 it that much more difficult.

34
35 That's the only comment I had.

36
37 CHAIRMAN EWAN: I didn't want to slow you down here, go
38 ahead. You comment, it raised a question in my mind about how
39 do we assure that we get -- we're dealing with accurate
40 information in the future. That's all my concern was.

41
42 MR. OSKOLKOFF: Yeah.

43
44 MR. BOYD: The next item, Mr. Chair, is the consent
45 agenda paper that follows this one. And I think this is to
46 inform the Council that the Board intends to go to a consent
47 agenda format in its Board meeting this spring -- in May, the
48 first week of May. This is an innovation for the Board
49 meetings, and the idea is to streamline the Board process. The
50 idea is proposals will be placed on a consent agenda that are

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1 considered routine and/or non-controversial and not require a
2 separate discussion in the Board meeting.

3
4 There are many proposals where Council, public, Staff,
5 everybody agrees. There's an idea there might be several of
6 those, there might be in 100 proposals, there might be 50, I
7 don't know what the number will be. But the Board doesn't have
8 to spend a lot of time deliberating those, they can all be put
9 on a consent agenda. They're identified generally up front,
10 and they're listed, and anybody can petition the Board, in the
11 meeting, to take those off the consent agenda if they want them
12 deliberated and fully discussed. And they'll be circulated
13 ahead of time. The idea is that once we get all this
14 information together, we'll draft a list of those items that
15 can be dealt with quickly by the Board, if everyone seems to
16 line up, but even in the course of the meeting that could be
17 changed if someone in the meeting petitions the Board. The
18 idea again, is to streamline the Board deliberations.

19
20 MR. OSKOLKOFF: Just one question on that, I think
21 that's a great idea to move things along. With regard to
22 removing something from the consent agenda, will that be vote
23 of the Board once that item is suggested or would that be just
24 one particular member of the Board is interested in removing
25 that and they just request that? Just how would the mechanics
26 of that actually work?

27
28 MR. BOYD: You're referring down to Item 3. We're
29 doing this for the first time and some of this is not real
30 clear to me. What it says here is a member of the Board may
31 remove an item, so not necessarily a vote of the Board. I will
32 say this, the spirit of this is not to lock someone out if they
33 want it fully discussed. I imagine if anyone raises anything
34 and has the slightest bit of substance to their reasons that it
35 will be aired.

36
37 The idea is to streamline the Board meeting for those
38 items that people have a -- that everyone seems to line up on.

39
40 MR. OSKOLKOFF: Okay. I just wanted to make sure that
41 that last sentence which says, any member of the Board may
42 withdraw a proposal from the consent agenda also worked if the
43 Board member didn't propose withdrawing it, but some.....

44
45 MR. BOYD: Some other Board member?

46
47 MR. OSKOLKOFF:some other person perhaps at the
48 meeting requested it and one of the Board members said, yes,
49 that sounds like a good idea.

50

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1 MR. BOYD: I see your point.

2

3 MR. OSKOLKOFF: That you wouldn't have to go to a vote
4 on it, that that individual would just be able to pull it then
5 with their -- because of that particular sentence; is that the
6 understanding?

7

8 MR. BOYD: I think, in general, yes.

9

10 MR. OSKOLKOFF: Okay.

11

12 MR. BOYD: I think what will probably happen in the
13 meeting is they will hold all those items until towards the end
14 and then take -- make sure that they've got all the consent
15 items considered before they act on them.

16

17 MR. OSKOLKOFF: I was just curious how many people I
18 was going to have to lobby. Thank you.

19

20 MR. BOYD: Probably not very many. I mean you can
21 probably just come into the meeting and say I want this fully
22 aired and it will be so.

23

24 MR. OSKOLKOFF: Okay, thank you.

25

26 MR. BOYD: It says it again toward the end down there,
27 any member of the Board may withdraw a proposal from the
28 consent agenda.

29

30 MR. LOHSE: It also goes a little stronger though, if
31 somebody that's not on the Board would like to get one off of
32 the consent agenda, it says they've got to submit it in writing
33 prior to the Board meeting or present it orally during the
34 Board meeting and not just say they want it off the consent
35 agenda, they must explain why that proposal needs to be fully
36 aired.

37

38 MR. BOYD: Right.

39

40 MR. LOHSE: So it looks to me like it's real easy for
41 any member of the Board to pull an item off. Basically the way
42 somebody else gets it pulled off is to get some member of the
43 Board to pull it off.

44

45 MR. BOYD: Yeah. Just like you, if I come here and say
46 I want this fully aired, you can say it and it's so, that's the
47 way it is.

48

49 MR. OSKOLKOFF: I just wanted to clarify it.

50

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1 MR. BOYD: Yeah. But obviously that's built in there
2 to provide a rationale so that the Board members would have the
3 benefit of understanding why and not some frivolous request
4 that perhaps somebody doesn't -- they just want to annoy the
5 Board, you know, I don't think the Board would go along with
6 that.

7
8 MR. OSKOLKOFF: No one would ever want to annoy the
9 Board.

10
11 MR. BOYD: Okay. That's all I have.

12
13 CHAIRMAN EWAN: Okay, thank you. Okay, we have one
14 person here that wants to make a comment, Roy Brittain.
15 Welcome to the meeting Roy. Just state your name and committee
16 you're from for the record.

17
18 MR. BRITTAIN: Okay. My name is Roy Brittain. I
19 homesteaded Kenny Lake in 1959. I started hunting caribou
20 probably in '60 or '61, whenever it was legal. And I can
21 remember the days back there where almost everybody wound up
22 getting a caribou that went up the road on the Denali or the
23 side on the Richardson. I know I was lucky, about 25 trips, I
24 think I got caribou 23 times or something like that. This was
25 before the advent of the three-wheelers and four-wheelers.
26 Now, the last 10 years now I've got one caribou in about 10
27 years. And like up on the Denali where we used to see the
28 animals down near the road, the last few times I've went up
29 there they said, well, they're about 15 miles back off the road
30 and unless you've got a horse or a four-wheeler or maybe a
31 snowmachine if there's snow on the ground you might just as
32 well stay home. And it's the same way on the Richardson now I
33 used to have good luck hunting up there. And now if you don't
34 have a four-wheeler, like I say, you might just as well stay
35 home.

36
37 I go up there and I park off the road and usually if
38 I'm on a trail that I've used for, you know, for years, I don't
39 get very far down that trail and there will be 3 or 4-wheelers
40 that take off ahead of me, you know. Well, what can you do,
41 you got to turn around and go back, you know, because you're
42 just wasting your time. Years ago I was on the Fish and Game
43 Advisory Boards in Valdez and then up here for awhile. And it
44 got to one point where the snowmachine was pretty much
45 dominating and they was starting to move the caribou off the
46 road. And I submitted a plan to where certain areas would be
47 free of these off road conveyances, horses or whatever. And I
48 understood it went through, but I've never seen it in
49 regulations so maybe it didn't. But now, I can buy a -- I can
50 go buy a \$6,000 four-wheeler, but \$6,000 will provide me with

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1 meat for probably the rest of my life. I think something needs
2 to be done about controlling these vehicles. Because you go in
3 the Eureka area, that country is just saturated with them, you
4 know, and they're keeping the animals -- one thing I worry
5 about is if they'll keep the animals out of their wintering
6 grounds. Because years ago they had the Fish and Game said,
7 about 80,000 animals in the Nelchina herd. And I hunted
8 caribou there for several years and then the numbers dropped, I
9 think the Fish and Game gave a number of like 8,000. Okay, I
10 quit hunting them while the numbers were down like that because
11 I don't believe in running something, you know, out of
12 existence. But then, you know, here a few years back I started
13 hunting them again and this is what I find with these four-
14 wheelers, well the horses, too.

15
16 It divides people in two different classes. You know,
17 those that want to spend a lot of money to hunt and those that
18 like to hunt, you know, for recreation and subsistence. And
19 that's about all I got to say. I would like to see some
20 regulations though passed on these vehicles, maybe certain
21 areas for them to be in and certain areas where we could hunt
22 like we used to, you know. I found out that as I get older,
23 these trails get longer and the hills get steeper and anyway,
24 thank you very much.

25
26 CHAIRMAN EWAN: Thank you, Roy, I appreciate those
27 comments. Many of us here agree with your comments. There is
28 concern. We advocated our concern to the Subsistence Board and
29 wrote letters to, I believe, the Alaska Department of Fish and
30 Game, and there is some action being taken. We do share the
31 same concern. I share the same concern that you have. I
32 appreciate your comments.

33
34 MR. BRITTAIN: I find the Federal regulations on the
35 hunting, I have no objections to them at all, I find them very
36 generous. I would like to express my feelings on this, and I
37 appreciate you people putting -- I've got to go fix a furnace.
38 Thank you.

39
40 CHAIRMAN EWAN: Any other person that wants to testify
41 on any proposal or subject, sign in over there to my right.
42 Hello.

43
44 MR. BONER: How are you.

45
46 CHAIRMAN EWAN: State your name.

47
48 MR. BONER: Well, my name is Slim Boner and I live down
49 in the Kenny Lake area. And Roy Brittain is my neighbor. But
50 you know the thing Roy that I've got to say is that it's a sad

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1 thing to see that people cannot agree -- people have no --
2 little respect for anybody, that people live in Anchorage,
3 people that live in Fairbanks, they have pretty good jobs and
4 make good money. People in Valdez also. And they can go to a
5 grocery store and prices are fairly competitive because there's
6 a lot of grocery stores. Well, out here we can't do that. I'm
7 on social security and I draw my Alaska longevity bonus. And
8 like all them people that come out here with fancy motorhomes
9 that's worth 100,000, \$200,000 and a sign on the back of it
10 that says, roughing it, I'm sorry. If you're going to rough
11 it, you throw your sleeping bag on the ground and pull a tarp
12 over it and go to sleep. And I've slept that way and I don't
13 doubt one second that some of you haven't.

14
15 There's some people in Anchorage I'll grant you, and
16 Fairbanks too, they live a subsistence lifestyle. Most of them
17 I find are Eskimo. They like their muktuk, they like their
18 agooduck, they like their whale oil, well, I do, too, and I'm a
19 White man, I've just been here a long time. I'm more Native
20 than even than some of the Natives are. But I can't go out on
21 what I've got coming in on social security. I get \$150 a month
22 longevity, I get \$493 social security. I bought a piece of
23 land, cut timber on it, built me a house, and I've done
24 without, my grandson's staying up here and his folks ain't
25 doing nothing to help, it all falls on me. I cannot go out
26 here and buy a 6,000 or \$7,000 snowmachine and I don't want
27 one of them anyway. You can't eat it and if you get out there
28 a 100 miles and then the darn thing breaks down, it surely
29 ain't going to keep you warm. A good dog team, a guy can crawl
30 in among the dogs, at least, they'll help you to stay warm. I
31 don't got money to buy an airplane. Don't know how to fly it
32 if I did. And I don't see for the life of me why that the
33 State of Alaska is so scared of trying to settle this
34 subsistence issue.

35
36 Here about a year ago, there was three articles in the
37 Anchorage paper, and I saved them. I went down to CRNA here a
38 while back and I had photocopies made of them. I sent one copy
39 of it to Georgianna Lincoln who happens to be a friend of mine,
40 she's been in my home, I've talked to her many times, and I
41 respect her, I respect her belief, and she respects mine.
42 Gene Kabin is also a friend of mine, I sent him copies of the
43 same thing. Then there's one -- it was the very first one in
44 the line of three that was written by a White man. It said,
45 what is the state of Alaska afraid of, that the Natives know
46 something or can do something that they cannot do? I think
47 that's exactly the case. Federal government wants to play God,
48 State wants to play God. Well, I'm sorry, they can't, there's
49 one God, he's up there. And it's the same God no matter which
50 or where in the world you're at, he just goes by a different

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1 name.

2

3 But I do agree with Roy, I can't hunt. I'm getting too
4 danged old to walk back in there 25 or 30 miles and try to pack
5 a moose out on my shoulders. I'm 67 years old. Right now I'm
6 blind in one eye and I'm losing my sight in my left eye and
7 there ain't a thing in the world that nobody can do about it,
8 I'm going blind plain and simple. I've still go to survive.
9 I've got to survive the best way I can. So I don't see why
10 everybody can't just work the devil together, limit some of
11 these snowmachines, some of these confounded three and four-
12 wheelers that do nothing but tear up the country side, dig damn
13 holes that you could bury a house in, scare the game plum out
14 of the country and then some fool comes over with his airplane
15 and he's out there shooting with a shotgun or rifle, land out
16 there and pick it up and sneak on off. I've seen it on two
17 different occasions and not too many miles from here, just
18 before dark of an evening. An airplane will come over and you
19 couldn't see a light and you couldn't see a number on it.
20 Well, that's illegal. And as far as I could see he was sure up
21 to no good. But he sure puts me at a disadvantage, because I
22 was watching a moose coming down through the canyon and I was
23 hoping he would get within about 200 yards of me so I could see
24 him good enough to kill him. Well, needless to say, the moose
25 went the opposite direction. It was getting dark, I had pretty
26 near 11 miles to come out because I wasn't prepared to stay the
27 night.

28

29 But everybody's equal. And I don't see for the life of
30 me why everybody can't live in harmony and in peace and the
31 Natives and the Whites work together. We all breath the same
32 air, drink the same water, got the same hopes, to have better
33 for our kids and our grand kids than we had. Somehow people
34 seem to more or less have lost that somewhere in the shuffle,
35 and that don't discriminate against nobody neither Native nor
36 White, it's the same on both sides.

37

38 CHAIRMAN EWAN: Thank you very much. I know this
39 person by Slim, but I didn't want to call him Slim, I wanted
40 him to give his full name here. Thanks a lot. I agree with
41 totally your whole statement about working together and about
42 the off road vehicles. Again, I just want to repeat that I
43 believe the Council here has stated its position, we'd like to
44 see more control of off road vehicles. We didn't talk too much
45 in the past about snowmachines because they're I guess a little
46 bit harder to control because they can go all over the country
47 and they do less damage to the terrain than other types of
48 vehicles. But I guess in my mind that's included in my
49 thoughts too.

50

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1 Thank you very much. Where are we then?

2

3 MS. EAKON: We are on agency reports under 1(B),
4 there's no one from Division of Refuges and no one from Refuge
5 has told me they had anything to report.

6

7 CHAIRMAN EWAN: Okay, we'll go on to Kenai National
8 Wildlife Refuge.

9

10 MS. EAKON: Mark Chase, who normally represents Kenai
11 before this Council is on vacation and he called me and he said
12 he had nothing to impart.

13

14 CHAIRMAN EWAN: So we'll move on then.

15

16 MS. EAKON: Yes. Rosa Meehan will do an oral
17 presentation on the migratory birds implementation of
18 amendments.

19

20 CHAIRMAN EWAN: Okay, on Item (D), Rosa.

21

22 MS. MEEHAN: Thank you, Mr. Chairman. I've come as a
23 messenger bringing you from another program within Fish and
24 Wildlife. As you know, migratory birds are not part of Title
25 VIII and are handled through the Migratory Bird Program. One
26 of the lingering issues has been harvest in the spring. And as
27 I'm sure you've got in the papers, the U.S. finally got treaty
28 amendments with both Canada and Mexico to provide for spring
29 water fowl harvest. Those amendments were done in 1995, their
30 protocols were formally signed. And then the Senate ratified
31 those treaty amendments in last May, May of 1997.

32

33 So what I wanted to be sure that you folks know and
34 that you have this information to take back and share with
35 others is that even though the protocols have been ratified, it
36 does not mean that spring water fowl harvest is legal. Until
37 there's regulations, it's status quo. What the process will be
38 for setting up regulations is that the migratory bird program
39 will starting an environmental assessment process. And the
40 first question they have to address is establishment of
41 management bodies to work with identifying regulations in a
42 similar fashion to how this Council works. This Council,
43 however, will not likely be that management body. And the
44 reason is that the protocol amendments require that the
45 management bodies have representation -- formal representation
46 by the Department of Fish and Game and by the Fly-Away
47 Councils. And so it's a different structure.

48

49 It's likely to take a while to get regulations in
50 place, a minimum of two years. And the reason is that they've

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1 got to go through steps of first getting the management bodies
2 sorted out and then start drafting regulations. And in this
3 program, we've had the luxury of having State regulations
4 already on the books that we could adopt and then work from
5 those, the migratory birds don't, they're starting from a blank
6 sheet of paper. And so one of the things that they're very
7 interested in doing is contacting the people that will be
8 directly effected by this and so they have put together a
9 mailing that will be going out to all bush addresses that
10 explains the process, explains the time line on it and requests
11 input on how the management bodies should be setup.

12
13 Another thing that's going on is Fish and Wildlife
14 Service has a cooperative agreement with RuralCap to setup a
15 workshop in the next month or two to pull together key people
16 from around the state to take a first cut at, if you will, at
17 trying to identify some management bodies that would make
18 sense.

19
20 There's several things that they're really trying to do
21 with this process. One is to involve village councils, tribal
22 entities as much as possible. And the other thing they're
23 trying to do is really get out and get information from people
24 during the formation of this process. So there's going to be a
25 very serious attempt to do that. Some of the key people that
26 have been involved in this have been Myron Naneng and Charlie
27 Brower and Johnathon Solomon, and those individuals were
28 actually directly involved in the treaty negotiations. So
29 there has been direct involvement from the Native community
30 throughout the process and that will certainly continue.

31
32 The reason for sharing this information with you is,
33 you know, we certainly recognize that you all have to do with
34 the game program, however, there's a lot of other programs that
35 effect you, the same users that deal with all of these
36 subsistence species and so we just wanted to make sure we're
37 sharing the information. So that's pretty much my
38 presentation. I can attempt to answer any questions, and if I
39 can't answer them, I can certainly get back to somebody who
40 can.

41
42 CHAIRMAN EWAN: Fred.

43
44 MR. F. JOHN: On this migratory bird, I don't know
45 hardly anything about it, who's it for?

46
47 MS. MEEHAN: The legislation is specifically for Native
48 harvest.

49
50 MR. F. JOHN: Native or rural or.....

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1 MS. MEEHAN: It's Native.

2

3 MR. F. JOHN: Okay.

4

5 CHAIRMAN EWAN: Okay. My question is, it will be
6 regulated by the treaty -- the Migratory Bird Treaty Act?

7

8 MS. MEEHAN: Yes.

9

10 CHAIRMAN EWAN: They'll be.....

11

12 MS. MEEHAN: Still falls under the Treaty, which
13 requires that regulations be written and implemented by the
14 Fish and Wildlife Service.

15

16 CHAIRMAN EWAN: They'll be doing that?

17

18 MS. MEEHAN: They will be doing that the same way the
19 fall water fowl regulations are put together, it's exactly the
20 same -- it's the same -- conceptually the same process,
21 however, there will be different starting points for it, in
22 that, there will specifically be management bodies setup. And
23 that's what people are trying to figure out right now, that can
24 provide representation by the people who live in Alaska.

25

26 And migratory birds are a challenge to deal with, it's
27 similar to fish in that they travel long distances, but the
28 birds go thousands of miles and there's users all along. So
29 there's an intent to essentially extend the existing regulatory
30 process, which works along fly-aways to just pickup this
31 northern end and spring end of the water fowl cycle and get
32 that voice heard.

33

34 The other thing that will be an important difference
35 between the -- right now the water fowl hunting regulations are
36 sport regulations. And there's a lot of methods and means that
37 are very specific to sports -- the sports community. The
38 intent on these regulations is to draft them to recognize
39 customary and traditional methods of harvest. And so there
40 will not be the sport type limitations -- or not necessarily be
41 the sport limitations that you see in the regulations right
42 now.

43

44 CHAIRMAN EWAN: I just want to state my disappointment
45 is it's going to take so long to get the regulations drafting
46 and hunting to begin. It just seems like it's possible that it
47 will go three or four years the way -- you say it'll probably
48 take about two years, but you never know, right?

49

50 MS. MEEHAN: Right.

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1 CHAIRMAN EWAN: Any questions?

2
3 MR. F. JOHN: One more.

4
5 CHAIRMAN EWAN: Yes.

6
7 MR. F. JOHN: Does this migratory bird law, does it
8 cover all Alaska or just the northern part or Federal land,
9 State land?

10
11 MS. MEEHAN: The intent is to cover all of Alaska.
12 It's not -- unlike Title VIII it is not restricted to Federal
13 land, so it's everybody.

14
15 MR. F. JOHN: Thank you.

16
17 CHAIRMAN EWAN: Next time item.

18
19 MS. EAKON: National Park Service. Bob Gerhard just
20 told me there's no report from the regional office. So
21 therefore we have Denali which will be covered by Janice
22 Meldrum, and she will follow with the Wrangell-St. Elias
23 National Park report.

24
25 MS. MELDRUM: Hollis Twitchell from Denali usually
26 comes and gives the report for that park, but he couldn't be
27 here today. There was two items he wanted me to pass on to
28 you, neither one of them requires action, they're strictly
29 informational items.

30
31 The first is that the Denali Subsistence Resource
32 Commission is working towards developing a subsistence plan for
33 the Park. The last two meetings they have worked on the plan.
34 They're not yet happy with the draft yet so they haven't
35 released it for public input. But they wanted the Council to
36 be assured that once it's completed they'll be distributing
37 copies for you to look at and review, and that should be coming
38 probably in the next year.

39
40 And the other item is the park is working with several
41 villages surrounding the Park on ethnographies for those
42 villages. The results of the project they're working on will
43 be ethnographies for each of the communities surrounding the
44 Park as well as a Native place names map for the whole Denali
45 area that incorporates the Native place names for the five
46 different language groups that surround the Park. So they're
47 pretty excited about it, it's a pretty big project. And the
48 communities are working closely with the Park to develop the
49 ethnographies and the maps. So he'll be reporting on the
50 results of that probably at your next meeting. He'll be able

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1 to show you some projects by then.

2

3 Then from the Wrangell end of things, there's two
4 items, both which the Subsistence Resource Commission would
5 like to have the Council take action on if you're inclined to.
6 The first one is that the Wrangell Subsistence Resource
7 Commission in their November meeting came up with a hunting
8 plan recommendation that they would like to take further action
9 on sending it to the Secretary of Interior at their meeting in
10 April. The hunting plan recommendation has to do with setting
11 a minimum residency requirement for people that live in the
12 resident zone communities surrounding the Park. They are
13 recommending this one year residency requirement for all the 18
14 resident zone communities. And the residency requirement would
15 have to be met before you would be eligible to hunt in the
16 Park. The recommendation would permit individuals who
17 temporarily leave the community to serve in the military or
18 attend school to retain their eligibility for subsistence
19 harvests if residency in the community had been previously
20 established. So those are the only exceptions that they listed
21 right now.

22

23 They felt this was necessary because they've been
24 seeing, over time, the numbers of people in the Copper River
25 and Upper Tanana area increasing and they wanted to make sure
26 that people were there for a certain amount of time and they
27 didn't have instant eligibility when they walked in.

28

29 MR. DEMENTI: How long a resident do you have to be
30 before you're eligible?

31

32 MS. MELDRUM: Right now you have to just have a state
33 license and you're eligible.....

34

35 MR. DEMENTI: Just a state license?

36

37 MS. MELDRUM:if you live in a resident zone, so
38 there's no real time requirement.

39

40 CHAIRMAN EWAN: But the recommendation does have a
41 requirement?

42

43 MS. MELDRUM: Yes. They're asking, yes, for a one year
44 minimum residency requirement in the resident zones.

45

46 CHAIRMAN EWAN: And there was a part about, you
47 mentioned about leaving the area?

48

49 MS. MELDRUM: Yes. If somebody has established
50 residency in a community and they go away for the purposes of

00236

1 serving in the military or to attend school, they wouldn't have
2 to come back and meet that residency requirement again.

3
4 MR. LOHSE: Did they put a minimum number of days when
5 they say go away, what do they mean -- like I know the State --
6 if you go out of the state for 91 days, you lose your -- unless
7 you go for a reason like that you lose your permanent fund
8 dividend. Do they got provisions in there for leaving for a
9 short vacation or anything like that? I mean technically
10 speaking, the way it's written right now, somebody that leaves
11 to go to school or to the military retains their residency --
12 somebody that leaves and comes back for a short period of time
13 loses their residenceship, too, I mean they should have a -- I
14 feel that they should have a minimum number of days that they --
15 they should come up with something that says, you know, just
16 like the State did, that if you're gone for so many days,
17 that's the same as leaving. You know, otherwise everybody will
18 say I just went on vacation or I just went -- you know, I
19 haven't left I've just done this or this or this, you know. I
20 think there should be a minimum in there.

21
22 MS. MELDRUM: They didn't address that but that could
23 be a comment that could be passed on to them.

24
25 CHAIRMAN EWAN: But SRC wants us to approve the plan on
26 this residency requirement and so forth?

27
28 MS. MELDRUM: Yeah, they would like your comments on it
29 so they know how the Councils and the other SRCs feel about it.
30 If you're inclined to take action on it, tell them whether you
31 agree or.....

32
33 CHAIRMAN EWAN: Well, since I serve on that Wrangell-
34 St. Elias Subsistence Resource Commission.....

35
36 MS. MELDRUM: And Fred.

37
38 CHAIRMAN EWAN:and Fred does, too, I fully
39 support the recommendation.

40
41 MS. MELDRUM: That's great. How about you, Fred?

42
43 MR. F. JOHN: Yeah, I support it too.

44
45 MR. LOHSE: I definitely support it, but I do think
46 that you need to put in there some kind of like the State did
47 with the permanent fund, some kind of minimum so that somebody
48 can't say they just went away for, you know, for a vacation or
49 something and they were gone for you know, half a year or
50 something. Whether you want to make that 30 days or 90 days,

00237

1 otherwise what we're going to have is we're going to have a lot
2 of people that come and work in the summer time, maybe work for
3 one year, and then they'll be gone for six months out of the
4 year, but they'll maintain the residenceship there and say that
5 they're still residents, you know, in the resident zone
6 community. You have to have some kind of a cutoff date that
7 says that this is what it means to have left the community.

8
9 CHAIRMAN EWAN: But I think the recommendation sets out
10 certain allowances, right?

11
12 MR. LOHSE: For school and for military service.

13
14 CHAIRMAN EWAN: Yeah, it's not.....

15
16 MR. LOHSE: But they could be gone.....

17
18 CHAIRMAN EWAN:then they won't be eligible, I
19 mean they won't retain their eligibility for those purposes, so
20 you want to add something else to that?

21
22 MR. LOHSE: Yeah. Otherwise you're going to have to
23 say that they have to be continuously residents for so many
24 days out of the last 12 months or every day out of the last 12
25 months or something like that. Because you're going to get
26 people who leave for three months and say, well, we haven't
27 really -- we didn't go to school, we didn't go into the
28 military, this is still home we just were gone for three
29 months. I know the State does on the permanent fund dividend,
30 somebody correct me if I'm wrong on that.

31
32 CHAIRMAN EWAN: I'm just wondering if it says
33 continuous residency or anything like that, do you know?

34
35 MR. LOHSE: Well, what happens if you go to Anchorage
36 then for the weekend or for a week? See the State allows,
37 under the permanent fund dividend thing, it allows you to go
38 out for short periods of time and maintain your residence. But
39 if you go for over 90 days -- if you're not going for the
40 military, you're not going for school, you're not going to
41 accompany a spouse who's in school you lose your residence for
42 that year for purposes of the permanent fund. That's what I'm
43 getting at. Is that, you know, you might have somebody that
44 lives in a resident zone community and goes out to Anchorage
45 and works for a month or so but they come right back, if they
46 haven't gone for a certain amount of time, they maintain their
47 residence, they just had to go someplace to get a job, you
48 know, to earn some money to stay there. But if they go out for
49 six months or they go out for, you know, something like that,
50 that should be a break and they should have to establish their

00238

1 residenceship all over again, just like you have to with the
2 State for the permanent fund dividend.

3

4 CHAIRMAN EWAN: I'm trying to remember in our
5 discussions what we said about all that. But it seems to me
6 like for work, you still are retaining your residency, your
7 home's here, if you've moved here, it's your home base.

8

9 MR. LOHSE: Well, if that's what the intent is.....

10

11 CHAIRMAN EWAN: Pretty much all of Alaska is that way,
12 you work someplace else. A lot of people work on the North
13 Slope or somewhere but they come back.

14

15 MR. LOHSE: Well, if that's what the intention of the
16 SRC is, I think that's perfectly okay.

17

18 CHAIRMAN EWAN: I forgot, I don't know, do you know,
19 Fred, whether we discussed that or not? I think we did, that's
20 why I'm kind of wondering. Gloria.

21

22 MR. F. JOHN: I don't remember.

23

24 MS. STICKWAN: Did you say their address couldn't
25 change, they would consider Copper River as their permanent
26 address, that was one of the requirements, they couldn't have
27 two addresses, you had to have one as a permanent address.
28 That was one of the requirements, and establish residency of
29 one year prior to leaving the area.

30

31 CHAIRMAN EWAN: Would you -- did you want to comment
32 Evelyn?

33

34 MS. HASH: Yes.

35

36 CHAIRMAN EWAN: Could you come up to the mic and give
37 us your name. You've got a comment about this, what we're
38 talking about, right?

39

40 MS. HASH: You were talking about the hunting licenses
41 and the requirements and stuff like that, that's going to be
42 data for eligibility to go hunt where I've been hunting for the
43 last 51 years, and I never had a license. I only got a hunting
44 license when they were 25 cents just because I wanted to
45 economically qualify for a 25 cents license. And I've hunted,
46 fished, trapped and whatever I could, whale, gone seal hunting
47 and everything all over Alaska, clam digging without a piece of
48 paper telling me I can or can't. I want to be counted as one
49 of the people that's going to continue to hunt across the river
50 in what you guys call the Park, what I call ANILCA is you're

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1 protecting Ahtna lands that haven't been quite selected yet
2 that we're still working on. And you've done a fine job of
3 protecting ANILCA for us, I mean at least it doesn't have paved
4 streets over there yet. But I'd like to see the Native tribal
5 organizations to handle their people, you know, when they come
6 in and say that Evelyn Hash and Lewis Williams and her kids are
7 going to hunt there, and I want that to be handled by my own
8 people. That way I can be named and considered without going
9 by my hunting license, which I never have had, you know.

10
11 That's what I wanted to say, all right. And I'm never
12 going to get one either.

13
14 REPORTER: May I have your name please?

15
16 MS. HASH: Evelyn Hash, H-a-s-h.

17
18 REPORTER: Okay.

19
20 CHAIRMAN EWAN: We're still on that topic of Wrangell-
21 St. Elias National Park report, and they just want us to
22 support the SRC on their subsistence hunting plan which
23 includes residency requirements to be eligible to hunt in the
24 Wrangell-St. Elias National Park and Preserve. Any other
25 questions on that?

26
27 MR. LOHSE: I make a motion that we support it.

28
29 CHAIRMAN EWAN: I think your comments are valid. I
30 think -- I just don't recall covering all that area, but I
31 think I did mention something about that at our meeting, I just
32 don't remember exactly what I said about that. But I did have
33 that concern, about people going somewhere to work, it doesn't
34 seem to me like they should lose eligibility because they work,
35 say 50 miles away from the community or 100 miles away.
36 Because that's the way of life in rural Alaska, you got to go
37 someplace to find work somewhere else. I guess it's that way
38 in Anchorage for some people, they go work somewhere else, but
39 they still live there in Anchorage. I just want to be sure
40 that we're covered and we take care of Ralph's concern of
41 people staying away a long time and still be eligible, you
42 know, for other reasons, that bothers me too.

43
44 MR. LOHSE: If that's what the intention was, that
45 sounds good to me. I just wanted to -- in order to protect,
46 you know, like what the State did in order to protect people
47 that go out and go away on vacation or something like that,
48 they set a time limit on it so that they -- you know, if
49 they're back in the state that time, they haven't lost their
50 ability to -- so -- but I definitely support what you guys have

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1 done on it so far. So I'd be more than happy to make a motion
2 that as a Regional Council we support the SRCs hunting plan.

3
4 CHAIRMAN EWAN: Do you make that motion?

5
6 MR. LOHSE: I make that motion.

7
8 CHAIRMAN EWAN: There's a motion, is there a second?

9
10 MR. F. JOHN: Yes, I second it.

11
12 CHAIRMAN EWAN: There's a second. Any further
13 discussion on the motion.

14
15 MR. OSKOLKOFF: Question.

16
17 CHAIRMAN EWAN: Question's called for. All those in
18 favor say aye.

19
20 IN UNISON: Aye.

21
22 CHAIRMAN EWAN: Opposed by the same sign.

23
24 (No opposing votes)

25
26 CHAIRMAN EWAN: Motion carries. Do you have another
27 thing?

28
29 MS. MELDRUM: Yes, one more item. The Wrangell
30 Subsistence Resource Commission has been working with the Park
31 on developing the subsistence plan. And I think Jay Wells came
32 and talked to you about this last time you had a meeting, and I
33 think you got copies in the mail. I don't know how much of a
34 description you want of it now, if at all, but they're asking
35 whether you have any comments on this and the comment period is
36 open through the 21st, and they want to work towards finalizing
37 this at their next meeting.

38
39 CHAIRMAN EWAN: I don't have any comment, personally.

40
41 MR. LOHSE: The only comment I have is it looks like a
42 nice piece of work.

43
44 CHAIRMAN EWAN: Is that it then?

45
46 MS. MELDRUM: Um-hum.

47
48 CHAIRMAN EWAN: Thank you.

49
50 MS. MELDRUM: Thank you.

00241

1 CHAIRMAN EWAN: The next item is BLM, Glennallen.

2

3 MS. EAKON: BLM Glennallen, Mike Coffeen is on
4 vacation. They have no report, Mr. Chair.

5

6 CHAIRMAN EWAN: Okay, we'll move on to Forest Service --
7 or BIA, Bureau of Indian Affairs, Ida.

8

9 MS. HILDEBRAND: No report.

10

11 CHAIRMAN EWAN: No report. We'll move on to US Forest
12 Service.

13

14 MS. EAKON: When Gary Oskolkoff came in he handed me a
15 message saying that Steve Zempke from the Forest Service
16 Chugach could not be here. In your books under Tab V you do
17 have their latest newsletter or report. They always send this
18 newsletter and you're all on their mailing list.

19

20 CHAIRMAN EWAN: Where is that?

21

22 MS. MASON: It's at the end of V.

23

24 CHAIRMAN EWAN: Okay.

25

26 MS. EAKON: It's at the end of Tab V.

27

28 CHAIRMAN EWAN: Okay. Is that it then?

29

30 MS. EAKON: If ADF&G do not have a report, that's the
31 end of reports, Mr. Chair.

32

33 CHAIRMAN EWAN: No report. Alaska Department of Fish
34 and Game report.

35

36 MR. SELINGER: Thank you, Mr. Chair. This isn't so
37 much as a report other than -- and I hope I'm not out of order.
38 I'd just like to express my appreciation for being able to
39 participate with this Regional Advisory Council meeting, and
40 for the Board's consideration of the information I've been able
41 to present.

42

43 I'd also like to say if there's other questions that
44 concern, you know, what Fish and Game is doing or policies or
45 those types of questions on our resource management, I'll do
46 the best to my ability to answer those. So I'll just make
47 myself available for those, and I'd just like to say thanks.

48

49 CHAIRMAN EWAN: I do have a question, and that is about
50 snowmachines. Is that including other ORVs that you were

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1 talking about?

2

3 MR. SELINGER: Snowmachine, to my knowledge are a real
4 difficult issue for a lot of the reasons that you stated. To
5 expand on that, even just a little bit farther, if I may. One
6 of the major problems that the State is having is some areas,
7 you know, the one in particular mentioned behind Eureka, was at
8 one time identified, and I believe it still is current
9 regulation, I think it's identified as -- I think it's --
10 forgive me if I don't get the exact title right, but the
11 Nelchina public use area, and one of the stipulations in there
12 is that it's a place for ORV use. I don't think when these
13 things went into place that the extent of ORV traffic was
14 anticipated necessarily.

15

16 Fish and Game has the ability to regulate hunting
17 regulations. Things that consider hunting regulations and the
18 resource through hunting. We don't have the control over
19 recreational use of these vehicles. So that's where it gets
20 real difficult to come in with some kind of regulation through
21 Fish and Game in the Board process.

22

23 CHAIRMAN EWAN: Yeah, but that applies to the four-
24 wheelers, too, right?

25

26 MR. SELINGER: Absolutely. Four-wheelers, big track
27 rigs, what have you.

28

29 MR. F. JOHN: I've got a question.

30

31 CHAIRMAN EWAN: Yes.

32

33 MR. F. JOHN: Do four-wheelers and everything,
34 snowmachine, does the State of Alaska have any kind of agency
35 that enforces regulations for those?

36

37 MR. SELINGER: On snowmachines, I do know, and this has
38 just come up recently, there is a registration, believe it or
39 not.

40

41 MR. F. JOHN: I mean where they could go, where they
42 couldn't go or anything? Is there any regulation in Alaska
43 yet?

44

45 MR. SELINGER: Not that I know of.

46

47 MR. F. JOHN: Are they working on anything?

48

49 MR. SELINGER: From what I'm aware of, that would be
50 more under the Department of Natural Resources, who, I believe

00243

1 would handle that, not the Department of Fish and Game. We do
2 have the ability to make recommendations when it comes to --
3 hunting regulations or use of vehicles for hunting purposes
4 only. But then that gets real technical with the different
5 laws of, well, if a person is just going from and to a camp,
6 are they hunting? If a person's just -- they can just claim
7 they're recreating. So it's real difficult legally.

8
9 MR. F. JOHN: One more question. If it's like off road
10 vehicles, if they were tearing up land or like for subsistence
11 use, there's damage to those areas, is State of Alaska, Fish
12 and Game got any way of closing them?

13
14 MR. SELINGER: I believe there probably is something in
15 the law language that would allow that to occur. I don't know
16 of it specifically myself. If we felt that it was detrimental
17 to the habitat. And that wouldn't be done through,
18 necessarily, the Department of Fish and Game it would be
19 through other agencies, I believe.

20
21 MR. F. JOHN: So really there's nothing -- that's
22 pretty hard to control in all areas?

23
24 MR. SELINGER: Yeah, like the Eureka I mentioned, it's
25 been designated for using ORVs, north of Eureka, that general
26 area.

27
28 MR. F. JOHN: So really, they got free rein on those in
29 Alaska?

30
31 MR. SELINGER: Pretty much, yes. Unless it's
32 specifically stipulated that.....

33
34 MR. F. JOHN: Okay, yeah.

35
36 MR. SELINGER:you know, there are like controlled
37 use areas that we have where there's no motorized vehicles
38 allowed for hunting. I mean that doesn't mean that they can't
39 go in there for other purposes.

40
41 MR. LOHSE: Jeff, I know that down in Cordova, due to
42 the fact that most of our land down there is Forest Service
43 land, they have -- like during the moose season down there,
44 nobody's allowed to take an off road vehicle south of the road
45 prior to noon on any day and then only if they're going in to
46 pick up an animal that they already got. I know that they took
47 the moose season on the other side of the river for the first
48 10 days, it's strictly a walk-in and canoe type area. We have
49 walk-in areas right around here for sheep hunting. Evidently
50 there is -- I mean there is the ability to do this. I mean

00244

1 it's not an impossibility. It's not easy to do and enforcement
2 is hard, especially in an area like up here where you've got
3 such big areas, it's no problem on Cordova, you've got 13 miles
4 of road and somebody can drive up and down if they have to and
5 tell if somebody went below it, you know. But.....

6
7 CHAIRMAN EWAN: But how do you distinguish between
8 recreation and.....

9
10 MR. LOHSE: They just close it off. But again, we're
11 dealing with Federal land.

12
13 CHAIRMAN EWAN: Yeah, I could be out here with my rifle
14 in the back here and driving around out there.

15
16 MR. LOHSE: But I think the land managers can make
17 decisions to the effect as to what vehicles can be on there.
18 And the Fish and Game can make decisions as to whether game can
19 be transported or hauled or shot off the vehicles and things
20 like that. I mean it's a complicated situation, but it's not
21 an impossible situation.

22
23 MR. SELINGER: Yeah, I would agree with you on that
24 Ralph. We can control things that have to do with hunting.
25 But hunting only.

26
27 MR. LOHSE: Any many of them are hard to enforce?

28
29 MR. SELINGER: Exactly, yes.

30
31 CHAIRMAN EWAN: Jeff, you were going to say something
32 about registration. Does that help in any way to controlling
33 the vehicles?

34
35 MR. SELINGER: I don't know. You know, it's actually a
36 State law that you have to have a snowmachine registered, it's
37 like a \$5 license or registration fee. Generally people don't
38 do it. You know, I mean to be quite honest, they started to
39 enforce that somewhat here now. I don't know that a
40 registration process in itself would necessarily solve the
41 problems, you know, if it cost somebody \$5, that they paid
42 \$6,000 for a four-wheeler and an extra \$5 to register it, it
43 probably isn't going to really effect use of it.

44
45 CHAIRMAN EWAN: Okay, thank you. Gary.

46
47 MR. OSKOLKOFF: Just one comment with regard to the
48 trail problems that we have with regard to the four-wheelers
49 and snowmachines and what not. On the Kenai Peninsula there
50 was quite an effort made to establish trails. And what I

00245

1 found, to my surprise, and believe me I was the last person
2 that thought it, is that people actually do stay on trails.
3 They go to the designated areas, they stay out of the areas,
4 with rare exception. Certainly the most abuse happens during
5 hunting season because, you know, you're following a moose not
6 a trail, unless you can eat trail, and those kind of things do
7 occur. And I think there needs to be some enforcement during
8 that time and there seems to be pretty lack of enforcement.
9 But on the other hand, what I think would be the best solution
10 is simply to look at the areas and determine what would be the
11 appropriate way of doing things. And the way they did it down
12 there was just simply contact the people, have them meet,
13 designate trails and see which ones they thought were most
14 popular and the most beneficial to them, and it works
15 incredibly well. The people kind of police themselves. I
16 don't think there's a necessity, and I think the situation is
17 that once these abuses do occur, to any extent, before anyone
18 just simply suggests, hey, let's solve the problem by talking
19 to one another, they run out and create a State or Federal law.
20 And that's what I would like to see avoided at all costs. Is
21 because people, for some reason, you seem to get a greater
22 percentage of people who are willing to set out the law as
23 opposed to running in the face of their friends and how they
24 maintain things.

25
26 The idea is to stay on the good side, as long as you
27 can to avoid having to set out those laws. But I think what
28 you're saying is department heads and what not can decree
29 essentially that uses shall be according to these manners and
30 there are ways of getting around that. And I think that's a
31 much more reasonable way to go. and like I say, I just wanted
32 to mention that, that in my area, one of the heaviest used
33 areas in Alaska, it has worked very well. I'm really impressed
34 with how well it has worked, in fact.

35
36 MR. SELINGER: That is one of the issues that's being
37 considered. And I don't know if you were here when I mentioned
38 earlier that the Department is implementing a long range
39 planning process, somewhat similar to the fortymile process.
40 One of the big problems is we don't have the trails mapped out
41 sufficiently. We don't have the people in place to go out and,
42 you know, post signs on designated trails, and there's a lot --
43 we haven't had enough public input yet by hunters and non-
44 hunters and all user groups in the area. Because it would have
45 to, you know, we get into the situation with recreational use
46 versus the hunting use.

47
48 And I think it's going to take -- you know, I agree
49 with you wholeheartedly, you know, something can be done and we
50 can get to a conclusion to it, but I think it's going to be a

00246

1 long process rather than a quick fix.

2

3 MR. OSKOLKOFF: Yeah. And I agree because it took a
4 number of years in my area to arrive at that. But I'm really
5 impressed with the fact that once we did it solved a lot of
6 problems. I didn't necessarily agree with where the trails
7 were and all that other stuff, no one did, but it has resolved
8 a lot of problems.

9

10 CHAIRMAN EWAN: Okay, thank you very much Jeff.

11

12 MR. SELINGER: Thanks.

13

14 CHAIRMAN EWAN: Are there any other reports?

15

16 MS. EAKON: You had expressed written comments about
17 the wolf translocation issue, remember, ADF&G was.....

18

19 MR. LOHSE: Yes, on the Kenai.

20

21 MS. EAKON: And you do have the materials, it's a done
22 deal. The regional director of U.S. Fish and Wildlife Service
23 signed off on a finding of no significant impact and the
24 rationale and the materials are in your book. Okay.

25

26 CHAIRMAN EWAN: Okay. If there's no other reports,
27 we're going to take a five minute break and then we'll be
28 getting on to Item B after that. This is a request from Native
29 American Rights, one on behalf of Kenaitze Tribe for the
30 Regional Council to declare the Kenai Peninsula as rural for
31 the purpose of Title VIII of ANILCA. There will be public
32 testimony by the Kenaitze Indian Tribe members and we'll have
33 Regional Council discussion and have some action on that.

34

35 MR. LOHSE: I think we have two people that would like
36 to say something before that starts.

37

38 CHAIRMAN EWAN: Gloria, did you have.....

39

40 MS. STICKWAN: Pete, did you want to say something?

41

42 MR. P. EWAN: I want to make one.....

43

44 CHAIRMAN EWAN: Come up to the mic, Pete.

45

46 MR. P. EWAN:or two comments.

47

48 CHAIRMAN EWAN: Yeah, state your name and where you're
49 from Pete, for the record.

50

1 MR. P. EWAN: My name is Peter Ewan from Copper Center.
2 This is not the first time we go through -- we've gone through
3 State subsistence, Federal subsistence, I'm saying this --
4 subsistence, we all go down, five, six, seven of us sometimes,
5 what we say, State of Alaska don't recognize us, they don't put
6 -- we never read about it, not in the newspaper or anything.
7 What I want to say is this, this season from August 10 through
8 September 20, that's a little too long. Because all the
9 hunters, we don't hunt that long, we just get one moose, that's
10 all. Caribou, the same thing. That's all we need. What we
11 need we'll get, not -- not to throw it away. We don't throw
12 meat away or fish, anything we eat, we keep it.

13
14 That's why we try to get our subsistence. Subsistence
15 was an Indian right, Alaska Indian. Now, subsistence is a
16 whole -- the whole world is subsistence. Our Indian right is
17 our Indian law, our Indian way and our Indian hunters, our own
18 trap line, our own trail, and now State took everything, they
19 never asked us, who's trap line is whose, they never did ask
20 anything to Indians, nothing. And then when they -- they
21 learned everything from Indians, what they're doing now, the
22 State of Alaska.

23
24 And then what I want to bring out is the hunting, it's
25 too long, we need to make it shorter. It's too long. Only
26 half of it stay in 20 days before, when it was Federal here, we
27 didn't have no 40 days open season. I'd like to see why the
28 State of Alaska, Fish and Game made -- when they had meetings
29 with us to -- or why they get all our hunting place where we
30 can hunt and whoever leaves a year, no (indiscernible), we
31 didn't hear nothing about that. What I want to know is from
32 (indiscernible) up to 75 mile that we can get it, all our
33 subsistence use of anything, and what they doing in the State,
34 they blame a thousand or more hunting on (indiscernible) then
35 asked the State's hunting season, they move into this Federal
36 land, they get kind of a -- they got Federal land, they get
37 moose and caribou there, that's not right. We're sharing them,
38 I seen them. And they use this swamp buggy and four-wheeler, I
39 don't know how many thousand, they got them up there, all the
40 hunting places, I like to (indiscernible) that one be close to
41 all the hunting, just like we don't use no machine or nothing,
42 we just go out in the woods and walk, 10 miles turn around and
43 come back. Today -- I had a lot of moose and caribou, today we
44 got nothing. Last fall, somebody just gave me moose, Fish and
45 Wildlife gave me moose and a caribou, I went out not many
46 times, on the road, some of those hunters, they never get
47 nothing, I didn't shoot no moose or caribou. What happens?
48 That's the State of Alaska left everything open. One day you
49 (indiscernible) with moose or caribou, hunted all the
50 (indiscernible) everything's suspended and it's not right.

00248

1 I sure would like to do something about that. That's
2 all the comments I got.

3
4 CHAIRMAN EWAN: Pete, let me ask you so I'm clear in my
5 mind, about your long season, were you talking about the State
6 hunt or which one are you talking about?

7
8 MR. P. EWAN: State.

9
10 CHAIRMAN EWAN: The State hunt is too long?

11
12 MR. P. EWAN: Too long it stays open. And the State of
13 Alaska brings the machine. Some of those hunters talk about
14 but they never stop -- I've been there in the subsistence
15 meeting in Anchorage, Cordova, Juneau, I told them about -- but
16 they don't stop now, they just don't listen to Indians.

17
18 CHAIRMAN EWAN: Okay, thank you Pete. Any questions?
19 If not thank you.

20
21 MR. P. EWAN: Thank you.

22
23 CHAIRMAN EWAN: We're going to take a five minute
24 break. After the break we'll -- will that be enough time,
25 Ralph, or do you want 10 minutes?

26
27 MR. LOHSE: Ten minutes would be nice.

28
29 CHAIRMAN EWAN: Ten minutes.

30
31 (Off record - 2:35 p.m.)

32
33 (On record - 2:50 p.m.)

34
35 CHAIRMAN EWAN: I will call the meeting back to order.
36 The next item on our agenda is Item B, under B. Again, I said
37 this will be a request from Native American Rights Fund on
38 behalf of Kenaitze Indian for the Kenaitze Tribe and for the
39 Regional Council to declare the Kenai Peninsula as rural for
40 the purpose of Title VIII of ANILCA. And I guess we have
41 Carol Daniel to lead off here. Maybe you can just kind of
42 introduce your group to us, Carol and all that, yeah.

43
44 MS. DANIEL: Okay, with me today is Ron Petterson who
45 is chairman of the Kenaitze Indian Tribe, and Ron, why don't
46 you introduce the people that are with you.

47
48 MR. PETTERSON: Okay. I also have the tribal elder,
49 Emil Dolchok, Eva Lorenzo, Carol Dolan, Ester Segura, Doris
50 Logerson, Rita Smogge, Sasha Lindgren.

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1 MS. DANIEL: Thanks, Ron. Mr. Chairman and members of
2 the Council thank you very much for accommodating us today, I
3 know we came in at the last minute and I know it's been a long
4 meeting. My name is Carol Daniel, and I, along with the Native
5 American Rights Fund represent the Kenaitze Indian Tribe in
6 this request. One person I forgot to introduce in introducing
7 the Kenaitze Indian Tribe was Martha King, who is the newest
8 attorney at the Native American Rights Fund and she is here
9 with me on this proposal.

10
11 CHAIRMAN EWAN: Give me the last name again?

12
13 MS. DANIEL: Mine or.....

14
15 CHAIRMAN EWAN: No, the other.....

16
17 MS. DANIEL: Martha King.

18
19 CHAIRMAN EWAN: King?

20
21 MS. DANIEL: King. The tribe has asked the
22 Southcentral Regional Council to declare the Kenai Peninsula to
23 be a rural place. I should point out that the Kenaitze Indian
24 Tribe, the members of the tribe live primarily along the
25 eastern shore, although there are some in the area of the Kenai
26 or what you've termed the Kenai area, but there are a few
27 members who also reside in Seward and the Homer areas.
28 Currently those areas are declared nonrural under the Federal
29 regulations.

30
31 At its September 8th, 1995 hearing in Anchor Point,
32 this Council put forth a proposal to the Federal Subsistence
33 Board to declare the entire Kenai Peninsula rural. The
34 Kenaitze Indian Tribe supported that proposal. We think it's
35 the right decision. And it came on the heels of a series of
36 hearings on the Kenai Peninsula by the Southcentral Regional
37 Advisory Council. The Board apparently took this up and
38 decided to return the proposal to the Advisory Council to
39 determine the process that should be followed in considering
40 that recommendation. And at the meeting of the Council in
41 March of 1996, last year, last spring, the Board took up a
42 discussion of this of it's proposal, and decided basically to
43 table the issue at that time because the issue then was whether
44 or not to hold further hearings, I think, on the Kenai
45 Peninsula, and there didn't appear to be much interest in doing
46 that. I would submit at this time that the entire Federal
47 regulations are now on the table for consideration by the
48 public and a series of hearings have been held around the State
49 on these proposed final Federal regulations. And I think I'm
50 correct in saying that all portions of these regulations are up

00250

1 for public comment, including those contained in part B and C
2 and part C is where the rural determination for the Kenai
3 Peninsula, it's contained in the regulations in Part C.

4
5 The request of the Kenaitze, obviously they were
6 disappointed when the Council decided to table the
7 recommendation. So they have brought forward a proposal which
8 is in your packet of materials asking this Council to forward a
9 recommendation to the Federal Subsistence Board that the Kenai
10 Peninsula be declared rural. Their request is based on several
11 legal points. First, the recommendation that -- or the
12 determination of the rural and nonrural areas of the Kenai
13 Peninsula were made in 1991 prior to the establishment of the
14 Regional Councils, so that the Regional Councils had no say in
15 any of these recommendations. And we think that the Regional
16 Council should have a say and a recommendation on all issues
17 effecting subsistence.

18
19 The second reason we believe it should be reconsidered
20 is that if you look at the determinations that were made when
21 the regulations were first put in place, the Federal Board did
22 not apply the cannons of construction that Title VIII of ANILCA
23 is Indian legislation. So instead of giving a broad
24 interpretation that would benefit the Native Americans that
25 live on the Kenai Peninsula, the Board, instead, rejected
26 giving a broad interpretation of the term rural that would
27 allow the Kenaitze to continue their way of life, and instead
28 applied a narrow -- with think a narrow definition. Because of
29 the proximity of the Kenai Peninsula to Anchorage and the fact
30 that a lot of people from Anchorage go down to Kenai, I think
31 influences the way that area has been looked at, but if you
32 look at it strictly in terms of the characteristics of the area
33 and the factors that both the State and the Federal Subsistence
34 Board have used over time in determining the rural character of
35 an area, if you do an objective analysis, that analysis shows
36 that the Kenai Peninsula is a rural place under any standard.
37 And to support that, we have attached to the request of the
38 Kenaitze Tribe an assessment that was done -- an analysis that
39 was done using the factors that the State of Alaska has used in
40 the past, as well as factors that the Federal Subsistence Board
41 in trying to determine the rural character of various places in
42 Alaska. This report was prepared by Jack Kruse and Virginia
43 Hanna, both with the Institute of Social and Economic Research
44 at the University of Alaska.

45
46 And I'll briefly summarize some of the points made in
47 this report. Basically the report starts with, as I think it
48 has to, with the Kenaitze Decision by the Ninth Circuit Court
49 of Appeals in terms of looking at the population of the area,
50 the population of these various communities. And it points out

00251

1 that the decision of the Federal Subsistence Board in finding
2 the Kenai Peninsula to be nonrural means that nearly 60 percent
3 of the Natives who live on the Kenai Peninsula are denied the
4 subsistence priority. In looking at what the Ninth Circuit
5 indicated that Congress intended, when it used the term rural
6 the Court cited some examples like the U.S. Census Bureau
7 standards in looking at population. And for that reason, the
8 measures, if you look at only the Kenaitze Decision are
9 primarily population and population density. And the economic
10 character of the area is really only secondary in terms of
11 trying to determine whether a place is rural or not.

12
13 One of the things that the Kenaitze Indian Tribe has
14 taken issue with and I think this report point out, is the fact
15 that the Federal Subsistence Board took a number of places that
16 under any standard would be considered rural communities as
17 small as -- with a population as small as 79 people and
18 aggregated all of those places together to come to a total
19 population that put the Kenai area and the Homer area and so
20 forth over the threshold of 7,000 population cutoff. It
21 aggregated communities when it found that were socially and
22 economically integrated. And some of the issues or some of the
23 things they looked at to decide that was whether they shared a
24 common school district, whether there were daily or semi-daily
25 shopping trips made and whether, you know, at least 15 percent
26 of the working people commuted from one community to the next.
27 Well, you could look at Bethel and there are trips from the
28 small villages around Bethel or Nome and small villages around
29 Nome back and forth on a daily or a semi-daily basis. So this
30 report also points out that the North Slope Borough and the
31 Northwest Arctic Borough share a common school district, but
32 that doesn't indicate that they're nonrural. So these
33 indicators are not good indicators. And we think that they
34 should not have been used to rule out these huge areas on the
35 Kenai Peninsula.

36
37 And in looking at non-population data, I think if you
38 look at Page 18 of this report, there's -- I won't go through
39 all of these factors, but on Page 18 is basically a summary of
40 the various factors, population density, the pounds per capita
41 per year of fish and game harvested by the various areas,
42 household harvest participation and so forth listing all of
43 these various characteristics and the shaded areas indicate
44 where the communities, across the top, the Kenai Peninsula
45 Borough compared with Sitka, Kodiak, and on the right-hand
46 side, comparing the Kenai areas that are nonrural with areas
47 that Sitka, Kodiak City and Saxman, which are rural and you'll
48 see that the shaded areas show where they're more common than
49 uncommon. And it summarizes some of the data. For instance,
50 in terms of population density, the Kenai Peninsula Borough

00252

1 only has three persons per square mile which compares favorably
2 with the Sitka Borough. And on other indicators that have been
3 used to support rural characteristics, you'll see that they're
4 very close for these areas. And I only point that out -- I
5 mean, we're not suggesting that Sitka or Kodiak or Saxman
6 should be declared to be nonrural, we're pointing out that the
7 residents who live on the Kenai Peninsula should be treated the
8 same as -- and the places should be evaluated in the same way
9 divorced from the politics of the situation, it should be
10 looked at strictly in terms of these characteristics if these
11 are the characteristics that are going to be used. And if you
12 do that, you can only conclude that the Kenai Peninsula is a
13 rural place.

14
15 And you'll hear from members of the Kenaitze Indian
16 Tribe who are here today who will describe for you the
17 importance of subsistence to them. They still, the Kenaitze
18 Indian Tribe still live in their traditional homelands, they
19 didn't -- through no choice on their part, people have moved in
20 around them, but it has not become a place like Anchorage or
21 even bedroom city that you would see in the South. I mean
22 we're talking about a place that's a four hour drive from
23 Anchorage and if people move to the Kenai Peninsula to be in a
24 rural place, they advertise it as a rural place to get people
25 to come up here and go fishing, so on any standard, we submit
26 that the Kenai Peninsula is rural.

27
28 And I did want to point out one additional point here.
29 Residents of the Kenai Peninsula -- the Secretary of
30 Agriculture who is with the Secretary of Interior is
31 responsible for enforcing Title VIII of ANILCA has authorized
32 under the National Affordable Housing Act to give Federal
33 benefits to every community on the Kenai Peninsula because it's
34 rural. I mean those are rural funding, yet, when it comes to
35 Title VIII, which is supposed to be remedial legislation and is
36 supposed to be interpreted to protect a way of life that
37 existed when ANILCA was passed for Alaska's Native people is
38 being interpreted more narrowly than a housing act, and we
39 think that's wrong.

40
41 I guess I know that it's a long day and I want my
42 clients to have a chance to talk, so I'm available to answer
43 any questions, but at this time, Mr. Chairman, I would turn the
44 microphone over to the members of the Kenaitze Indian Tribe.

45
46 CHAIRMAN EWAN: Ralph.

47
48 MR. LOHSE: I'd just like to say that I did read the
49 whole report and I thought it was a very well done assessment.
50 It definitely shows the characteristics and compares them in a

00253

1 way you can understand, and a good job of having prepared for
2 this.

3
4 MS. DANIEL: Thank you.

5
6 CHAIRMAN EWAN: I agree with Ralph. I glanced through
7 that and it pretty well explains a lot to me.

8
9 MS. DANIEL: Thank you.

10
11 CHAIRMAN EWAN: No questions. Okay, we'll move on
12 then. Do you have any order or it doesn't matter I guess then
13 who's going to be next.

14
15 MS. DANIEL: I think Ron Peterson.

16
17 CHAIRMAN EWAN: State your name for the record again.

18
19 MR. PETTERSON: Yes, my name is Ron Pettersen. I'm the
20 tribal Chair for the Kenaitze Indian Tribe. I'm the ANA
21 director or actually the subsistence director for the Kenaitze
22 Indian Tribe to gather information to bring to you. This has
23 been going on for some time and I got a list of -- actually I'm
24 not going to read them all because it would take forever, but
25 I've got 26 affidavits that are signed by various tribal
26 members and elders that I don't know if you have copies of them
27 or not, I think you were sent copies, but these are affidavits
28 on subsistence that was done in 1992, and that's basically, I
29 think how long this has been going on. And the sad thing of it
30 is is that there are many of the elders that did these
31 affidavits are no longer with us today so that they can't be
32 here to see that this is followed through on. But I do have
33 some affidavits that I have gathered and there are some others
34 that other members have, too, from other tribal elders that due
35 to the distance and the time that it is to get here, weren't
36 able to come on this -- to come here and testify today. Some
37 are ill, most of them are ill, and due to their age they can't
38 make the long trip. But I do have some written statements
39 here, I don't know if you want me to read them or if you just
40 want copies of them to be read in. These are what their
41 feelings on subsistence is, you know, the history of how they
42 subsisted on the Kenai Peninsula, how their families have done
43 it in the past and how they would like to see it returned to
44 them so that they can continue those traditions and keep those
45 traditions alive.

46
47 CHAIRMAN EWAN: Does anyone want to hear these letters
48 or make them part of the record?

49
50 MR. LOHSE: Make them part of the record, unless there

00254

1 are some pertinent things that you would want to read.

2

3 MR. PETERSON: Well, most of them are, they talk about
4 the -- most of them -- all these letters talk about the same
5 thing, you know, as they give their history, their family
6 history of the area, where they lived and what areas that they
7 used to subsist in and you know, what they did, they hunted and
8 they fished and how they took care of the game and how they
9 took care of the fish and how they processed it. And for them,
10 too, is the teaching of the youth by the elders and, you know,
11 and other family members on how to take care and respect the
12 land, you know, they talk about those things. And a letter
13 from myself, I would dearly love to see our people subsist
14 again, because I spent over half of my life embroiled in drug
15 and alcohol abuse, and therefore, I never really did it myself
16 until the last few years I've used our tribal educational
17 fisheries which, to me, is a renewing of the knowledge that I
18 never had a chance of acquiring. But I do fish, I know how to
19 do it. I know how to hunt. but there's some of the things
20 that I don't know, and you know, I was never taught and never
21 had that ability to be taught. But I would love to see it back
22 for that reason because we have many of our youth, our tribal
23 youth are in trouble because they don't have anything that they
24 say -- they don't have anything to do. The elders can't teach
25 them, their uncles can't teach them, their fathers can't teach
26 them, their aunts, their uncles, you know, their grandparents
27 can't teach them because they're not allowed to do it anymore.
28 And I feel that if they were allowed to have this back, it
29 would be -- I think it would help a lot of our kids get out of
30 trouble again, instead of continue on the road to destruction
31 that they're on right now. I can leave you copies of these for
32 the record.

33

34 CHAIRMAN EWAN: Okay.

35

36 MR. PETERSON: And I won't take that much more of your
37 time. I would like to start with Emil, an elder. Emil.

38

39 MR. OSKOLKOFF: Mr. Chairman, could I just ask Ron just
40 one question.

41

42 MR. PETERSON: Yes.

43

44 CHAIRMAN EWAN: Go ahead.

45

46 MR. OSKOLKOFF: How many, just rough off the top of
47 your head, how many of your tribal members live within one of
48 the city limits of the Kenai/Soldotna/Nikiski or.....

49

50 MR. PETERSON: Within the city limits itself?

00255

1 MR. OSKOLKOFF: Within city limits?

2

3 MR PETERSON: I couldn't even begin to guess. I mean
4 we are scattered all over through the Peninsula, between
5 Soldotna, Nikiski, Kenai, Sterling, Kasilof. We have tribal
6 members that, like I say, they live in Seldovia and we have
7 some that live in Anchorage, Tyonek, and I imagine we even have
8 some that live down in Ninilchik, Seward. So our people are
9 scattered all over the whole Peninsula. And we have a tribal
10 enrollment of almost 1,000 members in the tribe.

11

12 MR. OSKOLKOFF: The reason that I asked, Mr. Chairman,
13 is that in ANILCA, in our application of the eight criteria, we
14 dealt with the concept of community. And I know I've harped on
15 this issue many times before, but I think the court agrees in
16 its decision with me that to some extent you can identify a
17 community, maybe use some different criteria, some are city
18 boundaries and whatnot, but that generally and to a large
19 extent a lot of people on the Kenai Peninsula live between
20 those city boundaries and are not identified by community,
21 their only real identification that is, to some extent, like
22 they did in Ninilchik many years ago is where do you pick up
23 your mail or where do you send your school at because you
24 didn't have a school right in your area. And I think it's --
25 it's difficult to apply these when we're dealing with areas as
26 we did where you're dealing with an entire aggregate area from
27 Calm Gulch all the way up to Nikiski or the Homer rural area
28 which is really not a community, per se, and those kind of
29 things, and that's why my question with regard to if you knew
30 how many people lived within the city limits or not.

31

32 MR. PETERSON: And I also did remember something else
33 that the elders did want me to ensure -- or to pass on is that
34 is respect for land, respect for the animals. That when they
35 did subsist, they never took more than what they needed and
36 what they needed to live on, and that's what they taught and
37 that's what they passed on. And then they felt also, too, that
38 when they were able to subsist, they never abused that
39 privilege. You know, like they see today where people come in
40 and they parch the animal there, that our people would normally
41 use the whole animal or the whole fish or something like that
42 and they see a lot of it wasted and to them that hurts them a
43 lot to see that waste. So they wanted me to pass that on, too.

44

45 Is there any other questions?

46

47 CHAIRMAN EWAN: I don't think so, thank you.

48

49 MR. EMIL DOLCHOK: I have a 78 percent hearing loss so
50 I might not be able to hear. But my name is Emil Dolchok from

00256

1 Kenai. I live in Kenai all my life and raised my family there.
2 I was born in Kenai. And fishing was our lifestyle all through
3 my life. I've gillnetted, I've drifted and built and operated
4 fish traps. In the early days we used to have a dog team. We
5 put up fish for our dogs. But in the spring of the year is
6 when we always got our fish and any Native knows that the first
7 part of the year, spring and summer, there's less flies and the
8 best time to put up your fish. But now, they've taken this
9 subsistence lifestyle away from us. Our heritage. And they
10 substituted personal use fishing. And the only place we can
11 personal use fish is at the mouth of Kasilof River until a
12 certain quota is reached. Last year we had three days fishing.
13 But the sport fishermen can go out and fish for a king from the
14 1st of May to the 1st of October, and we can't set a net until
15 after the net is over and at the mouth of Kasilof River, and
16 any Native knows that at the end of June, all the early run
17 kings are gone, and the late run kings haven't started coming
18 in yet. So they don't want us to catch the kings, and that is
19 the fish that we really favor for putting up for our winter
20 use.

21
22 And they imposed a dipnetting 24 hours a day at the
23 mouth of the Kenai River, starting shortly after the 4th of
24 July. Of course, I was down there last summer, right, I didn't
25 dipnet but it was quite a mess, and because of the highway and
26 the supermarket -- I wrote a letter to Babbitt, and Babbitt
27 didn't answer the letter himself, he sent a letter to the Fish
28 and Game and they answered the letter. And they kept telling
29 me that we cannot have a subsistence lifestyle because of the
30 highway and the supermarket and we can go buy our stuff. But
31 why should I go buy fish when I'm living right on the river and
32 I can watch them swimming in front of my house. It's
33 ridiculous. And the Kasilof fishing is right on the mud flat
34 and you have to wait -- well, one year I didn't even get to
35 fish because by the time the tide came in, small tide, I only
36 had about a foot of water around my net and I couldn't fish.

37
38 So what we need is our subsistence lifestyle back. If
39 we don't get the subsistence lifestyle and they impose the
40 personal use fishing on us again, it will still be controlled
41 by the Fish and Game and they control the destiny there. They
42 can tell you when to fish or not. But if we had a subsistence
43 lifestyle, a law stating where we could fish for own personal
44 use. I always thought when the Native Land Claims was imposed,
45 that their attorneys told us that the Natives would have first
46 choice of the fish. I imagine a lot of you have read that.
47 Where is it? Where is our first choice? When the sport
48 fisherman can start fishing the 1st of May until the 1st of
49 October and give us about three days of fishing in the middle
50 of summer after half the season is gone, they have complete

00257

1 disregard for the Native, lifelong Natives, in the Kenai area.
2 No remorse whatsoever. I have written letters to the editor
3 time and time again, and the Board of Fisheries just disregards
4 that. And many are on welfare in my home area. And I went up
5 to the Salvation Army and I asked them how many they are taking
6 care of, they said close to a thousand, counting non-Natives
7 also, but a lot of the non-Natives are lifelong residents of
8 Kenai.'

9
10 That's about all I have to say.
11

12 CHAIRMAN EWAN: I have a question. Do you have any
13 problem with kind of opening it up to everybody else to be able
14 to subsistence hunting and fish -- I mean fish is what we're
15 talking about here, basically, but we'd be opening it up to
16 everybody.

17
18 MR. DOLCHOK: Well, this personal use fishing -- they
19 had it up until 1996, I guess, when they dropped it off, but I
20 used to take my family down the beach below Kasilof when they
21 had it open from Ninilchik Point to Boulder Point, take my
22 family down there and stay several days until we got our fish
23 and then there was no problem. The sport fishermen was
24 catching just as much kings as they are now, but they just cut
25 us off completely, except for that.....

26
27 CHAIRMAN EWAN: Would there be a different method for
28 subsistence uses, for fishing than what's happening right now
29 for sports and personal use, is there a method of taking the
30 fish?

31
32 MR. DOLCHOK: Yeah, they.....
33

34 CHAIRMAN EWAN: I mean I'm just trying to see the
35 difference, what would change? What would change if we opened
36 it up for subsistence to the whole Peninsula, you'd just have
37 an opportunity to fish for subsistence? Are you thinking in
38 your mind a different season or something like that?

39
40 MR. DOLCHOK: Well, every season, if we had a
41 subsistence lifestyle, we'd take what we need and that's it.
42 But we don't have that.

43
44 CHAIRMAN EWAN: But my question was, when you open up
45 the whole Peninsula, you're opening it up for subsistence to
46 everybody.

47
48 MR. DOLCHOK: Well, people are.....
49

50 CHAIRMAN EWAN: Okay. Maybe some other member can

00258

1 answer my question -- yeah, okay, thank you.

2

3 MR. DOLCHOK: Yeah, you're welcome.

4

5 CHAIRMAN EWAN: I don't know if I made myself clear or
6 not. I'm just wondering what would change that would make it
7 different and easier for subsistence users to get fish is what
8 I was -- along with your recommendation that the whole area be
9 rural, you're probably thinking about regulations that will, I
10 guess, allow a special fishing time and so forth. That was my
11 question. I'm just trying to get it clear in my mind what he
12 was talking about.

13

14 MS. LORENZO: My name is Eva Lorenzo. I was born and
15 raised in the Kenai Peninsula. I was a life long resident of
16 Kenai. I was raised through the traditional style of
17 subsistence fishing. And to me, the lifestyle of, you know,
18 fishing is dependable for all of us. Because there are time
19 when -- Emil Dolchok mentioned about welfare and subsistence
20 and so on, but there were times when the elders do have a rough
21 time and when we have the fish it helps out for the winter and
22 it helps for the personal use of our families. And as everyone
23 knows, sometimes it's so hard for elderlies to keep up with the
24 expenses of living. Just like me, I only get longevity and
25 social security, and what I get isn't very much. So when I get
26 the fish that I can put up for my family it sure makes a
27 difference for me, like jarring fish and put some in the
28 freezer, make salt salmon and that, you know, it helps my
29 family.

30

31 So to me it was the traditional type for the Natives to
32 have the fish and I would definitely like to see that it stays
33 being sometimes, like I said, it does get rough times,
34 especially when you don't have much income coming in and you're
35 a widow. And I also want to know, too -- make the people
36 understand too, that the Dena'ina to teach the youth, this is
37 very traditional for them because I've been going out to the
38 camps and stuff and they teach the youth to smoke fish, you
39 know, to do all the traditional type of Athabascan life. So I
40 just hope that things get straightened out and that this -- our
41 traditional still lives on, you know, like we have been getting
42 fish and it is our daily meal anyways. As I grew up I always
43 lived on the fish and the moose meat and what not, you know, in
44 my 69 years of my life that I have lived in the Kenai
45 Peninsula, this was my traditional type of life and I would
46 like to see the young youth to learn to value the meat, the
47 fish, and like Emil Dolchok said, not to be wasteful. We want
48 to teach them to do the same things that I was taught. To put
49 the fish up, to jar the fish, to make smoked salmon, to make
50 salt salmon, and it was a traditional lifestyle of living and

00259

1 the youth they should learn it because there is not too much
2 elders left right now, very few. And that's my pride.

3
4 I just want to thank you and I hope that my thoughts
5 and I hope that you understand what I'm speaking about right
6 now. I just want to say thank you. This is all I have to say.

7
8 CHAIRMAN EWAN: Okay, thank you very much. Are there
9 any questions? Thank you.

10
11 MS. LORENZO: You're welcome.

12
13 CHAIRMAN EWAN: Before the next person comes up, I just
14 have a little confusion here when Emil Dolchok mentioned
15 something about fishing, whether Federal had any control here.
16 Are there rivers here that we have control over, the Federal
17 government has jurisdiction over?

18
19 MR. BOYD: Currently, this is where we are right now,
20 only non-navigable portions of rivers within the colored areas,
21 I guess, on the map, the Refuge, the Forest and the Park lands
22 would be under Federal jurisdiction. What is being proposed in
23 the Proposed Rulemaking is an expansion of that jurisdiction to
24 comply with the Katie John ruling, and that would include
25 navigable waters within the exterior boundaries of the
26 conservation system units. For the Kenai Peninsula and I'll
27 just kind of touch on this, that would mean, for example, the
28 Kenai River, contained within the Refuge, the Kenai National
29 Wildlife Refuge. For the most part, the lower portion of the
30 Kenai River is outside that jurisdiction so it would not be
31 Federal jurisdiction. That's the one river, where I think --
32 the Kasilof River is not within the Refuge for the most part,
33 the lower portion of the Kasilof River. So that's kind of a
34 quick overview. There may be other rivers within the Refuge.
35 Certainly the upper portion of the Kenai, from just below
36 Skilak Lake, eastward into -- through the Refuge and into the
37 National Forest would be considered Federal. So that includes
38 the mouth of the -- for example, that includes the Russian
39 River as well as the Kenai River.

40
41 CHAIRMAN EWAN: All of the river?

42
43 MR. BOYD: I don't know if it's all of the river.
44 There may be portions of Forest Service land. At least on one
45 side it's Refuge and then on the other side it's Forest, but
46 I'm not exactly sure if all of the river is -- or if all would
47 be, I should say.

48
49 CHAIRMAN EWAN: Ralph.

50

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1 MR. LOHSE: As far as extending jurisdiction down to
2 the mouth of the river, that would only be if activities at the
3 mouth of the river interfered with subsistence activities
4 upstream in Federal land, right?

5
6 MR. BOYD: The potential is there for extraterritorial
7 jurisdiction, that's correct.

8
9 MR. LOHSE: Right. If it interferes with subsistence
10 activities that are taking place on Federal lands?

11
12 MR. BOYD: In Federal -- right.

13
14 MR. LOHSE: But since most of your subsistence
15 activities take place down at the mouth of the river and on the
16 tide flats right there, the odds are pretty good that the
17 Federal government wouldn't be holding -- wouldn't be managing
18 that portion of the river, wouldn't it?

19
20 MR. BOYD: If it's not within Federal jurisdiction, no.

21
22 MR. LOHSE: Because it's not within Federal
23 jurisdiction, right?

24
25 MR. BOYD: Only if those activities effect subsistence
26 uses upstream could, and I stress that word, could, not
27 would.....

28
29 MR. LOHSE: Yeah.

30
31 MR. BOYD:could they extend jurisdiction on.

32
33 MR. LOHSE: Yeah.

34
35 CHAIRMAN EWAN: Thank you, Tom.

36
37 MS. SMOGGE: Good afternoon. My name is Rita Smogge,
38 I'm the executive director for the Kenaitze Indian Tribe and
39 I'm also a tribal member. First I want to address your
40 question about how many tribal members actually live within the
41 Kenai area. There's approximately 300 out of our 900 -- our
42 total of 900 members.

43
44 CHAIRMAN EWAN: Within which city limits?

45
46 MS. SMOGGE: Kenai/Soldotna.

47
48 CHAIRMAN EWAN: Kenai?

49
50 MS. SMOGGE: Um-hum. If I'm allowed, I would like to

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1 read two testimonies into record?

2

3 CHAIRMAN EWAN: Whatever way you want to do it.

4

5 MS. SMOGGE: The first one is, they're both tribal
6 members, but the first one is Lesia Johanson Shaw. My name is
7 Liisia Johansen Shaw. I was born in Bethel, Alaska in 1949 and
8 have spent most of my life on the Kenai Peninsula. My father
9 was Alexander Johansen, a Dena'ina Athabascan man who was born
10 in Kenai, Alaska in 1919 and lived a traditional subsistence
11 life. My father taught me and my brothers and sisters how to
12 survive from the land and how to care for the land and its
13 resources. We did not waste anything and we were taught to
14 respect the land. The land was like a religion for my father.
15 He said that if you take care of the land and resources there
16 would always be plenty for everyone. Different seasons meant
17 different kinds of subsistence. We were always put up for the
18 winter it seemed. Spring meant hooligan fishing in the Kenai
19 River, digging clams at Clam Gulch and king salmon were
20 running. We shared with our family members and smoked king in
21 the early spring. Hooligan and clams were put up in the
22 freezer. The garden was planted with potatoes, lettuce,
23 cabbage, radishes, spinach, turnips and rutabagas. We took
24 care of our garden all spring and summer and harvested the
25 vegetables in the fall for winter months. In the summer, the
26 reds and silvers were running and we can, smoked, salted and
27 froze fish for days. This was for the winter months. In the
28 fall our whole family picked berries and my mother and I made
29 jelly, syrup and cranberry catchup by the case. While the
30 whole family was picking berries my father and brothers were
31 grouse and moose hunting. In the early days we always got our
32 moose and we shared fresh meat with my grandmother. My whole
33 family was busy butchering moose and wrapping and freezing it
34 for the winter. In the winter months we ice fished for trout
35 and hunted rabbits. We trapped beaver, wolverine, rabbits for
36 the fur and meat. I still practice a subsistence lifestyle and
37 I have taught my children everything my father, aunts and
38 uncles taught me. It is harder now because Fish and Game
39 regulations limit us to certain areas and there are many
40 restrictions on the Kenai River. My family fishes the Kenaitze
41 Indian Tribes educational net and we still pick berries in the
42 fall. But because of the urban designation imposed on the
43 Kenai Peninsula, living our cultural lifestyle has become
44 almost impossible. My family fully supports the Kenai
45 Peninsula being designated a rural area.

46

47 And the second one is testimony of Elsie Maillelle
48 Hendryx. My name is Elsie Maillelle Hendryx. I am a full
49 Athabascan Indian. My parents are full Athabaskan Indians. We
50 learned to live in a very little to non-cash society therefore

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1 we had to depend on what we can harvest from the land as our
2 ancestors. We took what we needed in order to sustain
3 ourselves but we never took more than we needed. During the
4 fall in September we got our moose, geese and ducks. With no
5 refrigeration we canned everything. We canned most of the
6 moose and some of the ducks and geese. I remember we would can
7 meat for days. The moose we got in September would last us
8 until January. We used everything we could from the moose. We
9 also used the feathers for pillows and quilts from the ducks
10 and geese. We gathered berries while the men got wood for the
11 winter. We also harvested wild plants and roots for medical
12 purposes. During the winter, my dad trapped beaver, marten and
13 mink. We also had rabbit snares and hunt grouse and ice
14 fished. Usually we got our second moose, but this time we
15 didn't have to can all the meat. Spring time was a month long
16 hunger time. During the breakup time, no one could travel or
17 go far to hunt and the lakes and rivers were full of run-off.
18 In March through April my brother used to hunt bear just before
19 the bears would come out of their dens. We had fresh meat
20 until the ducks and geese would come back. Summertime we did
21 all the fish, we smoked, canned, pickled and salted fish.
22 During the summer months we had no meat unless mom would take
23 out a jar of moose that she was hording away for times when we
24 were so sick of eat fish we would go on strike. All of this
25 may see trivial to a person living in this day and age, but
26 when a person is raised this way and we raise our children this
27 way it scares a person half to death to think it will all
28 change. Daily I read the papers, hear it on the radio and
29 watch news on TV, that our ways are going to be changed by
30 people who don't even know or even care what kind of life I
31 want to live and limit what is on my table. Many of my
32 neighbors and friends feel the same as I do about the new laws
33 the State of Alaska wants to impose on me and my family. If
34 they change the Kenai to urban it will change my entire
35 lifestyle. We have always been able to eat the same meats as
36 my ancestors and I would like to continue doing so.

37
38 In preparing my statement, I thought, you know, how can
39 I say something different that might really just impress
40 everybody, you know, and make them sit up and take notice, you
41 know. So what we came up with was pictures of our fish camp,
42 our youth fish camp, our 1997 fish camp. Because, you know,
43 the old saying goes, pictures speak a thousand words. So I
44 would like to, if I can, pass this album around, but I'd like
45 to have it back.

46
47 CHAIRMAN EWAN: Thank you.

48
49 MS. SMOGGE: But those pictures, the fish were caught
50 at our educational fishery site. The Kenaitze purchased a 32

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1 acre traditional site on Kalifonsky Beach there. And the kids,
2 of course, the tribe -- all the tribal members and our youth
3 use that site every summer, and we have our camps down there.
4 And to make sure that the kids know the traditional and
5 customary practices. This is something that, you know, you
6 can't go to the store and purchase. You can't purchase this.
7 Money cannot buy this. And I think that it's very necessary
8 that we maintain this type of lifestyle. And I don't know what
9 else can be said. I think our elders say it very well. But I
10 wish I had extra copies of those pictures, but I don't, so I
11 would like you to look at those pictures and this is something
12 that we can't let slip through our fingers, you know. It can't
13 go away because this is our future.

14
15 CHAIRMAN EWAN: Rita, did you understand my question
16 earlier, that there's a possibility that we're opening up the
17 whole Peninsula, for subsistence to everybody if you make this
18 all rural then it pretty much opens the door for everybody to
19 be eligible if we find a c&t determination for.....

20
21 MS. SMOGGE: Well, I think what Emil -- I'm sorry.

22
23 CHAIRMAN EWAN: I just wondered if you thought about
24 what changes would have to be made to accommodate the
25 subsistence user.

26
27 MS. SMOGGE: Well, I think we feel.....

28
29 CHAIRMAN EWAN: The way I see it here in the Copper
30 River Basin, we do have fish wheels, you know.

31
32 MS. SMOGGE: Right.

33
34 CHAIRMAN EWAN: We do have an advantage over the
35 dipnetters and all the other sports fishermen and all, we do
36 have our own Native lands that we could use to do that.

37
38 MS. SMOGGE: Right.

39
40 CHAIRMAN EWAN: I just wanted to know what the
41 situation was down there and what you thought about this whole
42 thing.

43
44 MS. SMOGGE: Well, I think we've always -- we've never
45 said that we wouldn't -- didn't want to share. You know, I
46 think that there's enough resources there. But I think that we
47 should have a priority. And I think what Emil was saying that,
48 you know, when a fishery is opened up, especially the king
49 salmon season is opened up to the sport fisherman, you know, we
50 should also have that -- we should have the priority, too.

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1 CHAIRMAN EWAN: You don't see no conflict of users?

2
3 MS. SMOGGE: Well, as long as.....

4
5 CHAIRMAN EWAN: You know, when you have sports
6 fishermen and subsistence fishing the same area and there will
7 be no conflict and you think everybody will be satisfied?

8
9 MS. SMOGGE: Well, I'm not saying.....

10
11 CHAIRMAN EWAN: I'm not that familiar with that area
12 there.

13
14 MS. SMOGGE: I'm not saying that, but think that, you
15 know, if you're going to give the sports fisherman, you know,
16 an opportunity to get theirs, that you should also give the
17 subsistence users, us a chance, you know, to also fish.

18
19 CHAIRMAN EWAN: Ralph.

20
21 MR. LOHSE: Rita, did I understand you right that what
22 you folks did is purchased a setnet site basically?

23
24 MS. SMOGGE: Yes. Our tribal.....

25
26 MR. LOHSE: And are using it for -- I have to
27 compliment you on that, I think that's a very wise move because
28 it gets you started before you have to go through all the
29 government rigmarole and you can actually just go out and do
30 it.

31
32 The other thing is, if I'm understanding what Roy's
33 asking you, and I'm understanding your answer, basically you're
34 looking at the Kenai as a neighborhood as opposed to Anchorage
35 coming down, sport fishermen and things like that, you're
36 looking at the Kenai, the Native and the non-Native people on
37 the Kenai as having sufficient resources for them as neighbors
38 versus the outside pressure coming from someplace else? Am I
39 close?

40
41 MS. SMOGGE: Well, I feel that there is enough
42 resources there that we can -- you know, for everyone.

43
44 MR. LOHSE: For those people who are local residents on
45 the Kenai?

46
47 MS. SMOGGE: Right.

48
49 MR. LOHSE: Yeah. Now, the question that I have and it
50 was what we were going with Mr. Breilsford (sic) before, is your

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1 biggest and that's true over the state is the biggest
2 subsistence resource normally is fish and yet that's the one
3 area on the Kenai that you have most of your fish streams don't
4 end up in Federal land. Like when we're dealing with the
5 Copper River here, we're dealing with the Copper River which
6 parallels a National Park and so it has direct connection to
7 Federal land, while on the Kenai, most of your fish streams are
8 basically -- and most of your activity takes place off of
9 Federal lands.

10
11 I can see the advantage of a customary and traditional
12 for the rural residents of the Kenai for game, but I'm just
13 wondering what you're going to -- I'm just wondering how you
14 expect to gain something on the fish simply because it's still
15 going to be under State management, you know that part of it,
16 the coastal waters and the mouth of the streams and stuff like
17 that.

18
19 MS. SMOGGE: How we're going to, I mean, I guess I'm
20 not understanding.

21
22 MR. LOHSE: The fact that you get a Federal subsistence
23 priority is probably is not going to have much effect on that
24 portion of your land that is -- or the portion that you make
25 use of, which is the, you know, tide lands and the coastal
26 waters, the coastal stream mouths which basically comes under
27 State jurisdiction because it's not bordered by Federal
28 interest areas. See, that's what I'm trying -- I mean I'm
29 trying to figure out how that designation is going to change
30 your access to fish and.....

31
32 MS. SMOGGE: Well, how that designation is going to
33 change our access to fish?

34
35 MR. LOHSE: Um-hum.

36
37 MS. SMOGGE: Well, number 1, I think, you know, we're --
38 I guess if we comply with ANILCA, I mean it says that we have
39 that right.

40
41 MR. LOHSE: But the only problem is ANILCA only applies
42 on Federal lands.

43
44 MR. OSKOLKOFF: Mr. Chairman.

45
46 CHAIRMAN EWAN: Yeah, Gary.

47
48 MR. OSKOLKOFF: Can I interject here just for a moment.
49 We're kind of getting -- and I appreciate where Ralph is going
50 and I want to say that, but we're kind of putting the cart

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1 before the horse, we're having to deal with the question of
2 rural/nonrural then we're going to have to deal with, at some
3 later date, the question of customary and traditional and then
4 after that we're -- once those two criteria are met, then we're
5 going to have to deal with seasons and bag limits and biology
6 and areas and those kind of things on a specific nature. And I
7 think it's a bit premature to ask Rita to try and -- you know,
8 in advance of this research being done and the information
9 being gathered to try and answer that.

10
11 I just wanted to inject that, feel free to.....

12
13 MS. SMOGGE: Oh, thank you for saying that, that's all
14 right.

15
16 MR. LOHSE: And I didn't mean to be putting you on the
17 spot, I was just wondering whether expectations in that area
18 were coloring the interest in the rural designation? And I
19 hate to see the expectations in that area.....

20
21 CHAIRMAN EWAN: Especially since you mentioned fish,
22 that's why I raised part of the question.

23
24 MR. LOHSE: I think that's what Roy was trying to get
25 at before, I was just trying to cover the same thing that he
26 was getting at, and I thank you for bearing with me and I
27 appreciate what Gary says, because we could get way off the
28 subject, it could take us to next year and we're dealing with
29 something that's not necessary to deal with right now.

30
31 Thank you, Gary.

32
33 CHAIRMAN EWAN: But it's related though, it's not
34 something that totally unrelated. And I'm trying to look
35 ahead, what are we trying to fix, you know, overall and that's
36 why I raised my questions. Are we going to fix what you think
37 we can recommend, but that's not -- like Ralph said, not to
38 create any expectation that we can't fulfill, you know.
39 Avoiding that is what my concern is.

40
41 Thank you very much.

42
43 MS. SMOGGE: Okay, thank you.

44
45 MR. OSKOLKOFF: Mr. Chairman, one other thing, too, is
46 that I think we're -- my question was in regards to the area in
47 which people lived in based on rural/nonrural preference and
48 the fact that we're dealing with a rural designation here and
49 the Board, in reviewing this, may want to -- may this time
50 around, given the court decisions that have come down, want to

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1 deal with communities separately. And I think there's a
2 question there for Carol with regard to the definition of
3 community.

4
5 The definition used now of community usually has to do
6 with an area of lands, like a city limit or whatnot. When I
7 applied that same type of logic to Ninilchik, for instance,
8 where we don't have a city limit or anything, there's no such
9 thing, other than how far they move the signs up and down the
10 highway, you know, that's it, where the Highway Department
11 planted those things that day, it doesn't seem to make as much
12 sense. And I'm trying to anticipate that type of discussion
13 more than taking that extra step and going -- and trying to
14 resolve the entire problem of the Kenaitze Indian Tribe not
15 being allowed to hunt and fish in traditional ways in their
16 traditional areas. And I think if we approach it more
17 methodically that way, we'd probably get ourselves further down
18 the road much quicker.

19
20 But let me add, too, that I think in the future that I
21 would like to hear a brief from, perhaps, Carol or someone
22 affiliated with the, perhaps, the Solicitor for Fish and
23 Wildlife Service or something, could define what we can use as
24 the Advisory Committee as a definition of community. Because I
25 think that's where we're going to run into a problem. When the
26 Board originally applied this I remember having to drive down
27 to Homer and testify before there were Advisory Committee,
28 before the Board on how things should be put together and we
29 were just shocked when it came out and these areas had been
30 lumped together in these large contiguous, if you will, areas
31 and that I have a problem with. And I think if we could
32 separate that out somewhat, it would be a lot easier to
33 approach the problem because you may have an argument in Clam
34 Gulch, certainly, that you don't have the same argument in
35 Kenai, quite the same argument. And then again, the area
36 between Coho and Clam Gulch, for instance, you know, you're in
37 no man's land in particular, just like you are between
38 Ninilchik and Clam Gulch and they had to draw an arbitrary line
39 at that time.

40
41 MS. DANIEL: You ask very good questions, Gary, and I'm
42 not sure that I can answer them, except that to say that I
43 think that's why the Federal Subsistence Board used the term
44 community or area in terms of looking at whether an area or
45 community was rural. And I guess in the analysis that
46 Dr. Kruse did on comparing the Kenai Peninsula, I mean they
47 looked at the whole area and compared it to places that the
48 Board found to be rural places, like Kodiak and Sitka, so I
49 think for our purposes I think it really shouldn't matter so
50 much to look at each individual community.

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1 The criticism that we have of the Board aggregating
2 communities is the fact that it can be so arbitrary, because
3 you could aggregate any community with Anchorage and it's going
4 to be nonrural, so it depends on what you aggregate it or how
5 many of them you throw together to reach the population level
6 that you're looking for, but if you look at these individual
7 little places separately, I mean, nobody in his right mind
8 would go to Clam Gulch and say that's an urban area.

9
10 And the Ninth Circuit certainly look in the Kenaitze
11 case -- looking at the Kenai Peninsula, concluded that the
12 Kenaitze Indian Tribe lived in a rural place for of, you know,
13 the preliminary injunction. So I.....

14
15 CHAIRMAN EWAN: That's aggregating it too, if you're
16 doing the whole Peninsula.

17
18 MS. DANIEL: If you look at it in the whole Peninsula,
19 that's true. I'm just saying that's what the Board did in
20 terms of Kodiak Island and Sitka, they looked at it as a whole
21 area. It was very inconsistent actually because if you move
22 over to Ketchikan, Saxman is what, five, six miles outside of
23 Ketchikan and there is wasn't aggregated with Ketchikan it was
24 considered separately.

25
26 I'm saying that the interpretation of rural,
27 considering the legislative history of ANILCA being to protect
28 the Native way of life should be interpreted broadly enough to
29 protect people like the Kenaitze Indian Tribe who still live in
30 their traditional homelands and should be in a position to
31 continue their lifestyle.

32
33 MR. LOHSE: I guess what I was asking before when I was
34 asking Rita about basically what you're looking at is the Kenai
35 Peninsula as an indigenous area all of its own. Basically, I
36 think, the way I put it to her is as neighbors. To a certain
37 extent what you're doing is you're applying the criteria of a
38 community to the Kenai Peninsula. I mean I'm not saying that's
39 wrong, what I mean is you're looking at the Kenai Peninsula as
40 an area community not as individual communities. Now you
41 recognize that there are individual communities in the Kenai
42 Peninsula.....

43
44 MS. DANIEL: Right.

45
46 MR. LOHSE:but the Peninsula as a whole, you're
47 looking at as a community, too, and that community is the
48 community of the Kenai Peninsula.

49
50 MS. DANIEL: Right.

1 MR. LOHSE: And that's kind of the gist that I've been
2 getting from what I understand, from what I saw in your
3 assessment. It's not not recognizing individual communities in
4 the area, but it's recognizing the whole area as a community.

5
6 MS. DANIEL: Correct. And I think even at this Board's
7 -- this Council, when you took this issue up before I think
8 Elaina Spraker was here to testify about, well, of course, the
9 reason we live on the Kenai Peninsula was because it's a rural
10 area and it's different from Anchorage and so, you know, I just
11 -- you can look at it community by community, and if you did it
12 community by community or even if it's just drawing arbitrary
13 lines, as Gary pointed out, to identify these individual
14 communities. If you did it that way, those communities would
15 probably come in under the 2,500 limit and even the larger ones
16 would come in at the under 7,000, so I mean it's only by
17 aggregating all of them together was the Board able to come to
18 this conclusion that it was nonrural and you didn't even look
19 at these individual characteristics.

20
21 CHAIRMAN EWAN: Well, I'm still confused. Maybe I
22 shouldn't be, but I am. You're saying it was wrong how the
23 Board did it, aggregating all the communities the, but you're
24 doing the same thing. You're saying make the whole Peninsula
25 rural, right?

26
27 MS. DANIEL: Well, I am doing the same thing in the
28 sense that if you looked at community by community throughout
29 the Kenai Peninsula there isn't an individual community that
30 would come to the level of throwing it out and saying it's not
31 rural automatically, it's over 7,000 people. It's only in that
32 sense that I'm using -- it would be like referring to Kodiak
33 Island as a rural area but there are different communities
34 considered in the Kodiak Borough and each individual one of
35 those little communities are considered rural, as well as the
36 City of Kodiak under the Federal regulations.

37
38 MR. LOHSE: But if you lump them all together you could
39 say they were nonrural if you consider them.....

40
41 MS. DANIEL: That's true.

42
43 MR. LOHSE:if you added them all up.

44
45 MS. DANIEL: That's true.

46
47 MR. OSKOLKOFF: Mr. Chairman.

48
49 CHAIRMAN EWAN: Yes.

1 MR. OSKOLKOFF: And in line with that, and that's my
2 reason for this line of thought here, anyhow, is that the Ninth
3 Circuit had said, and as you quoted in your statement, more
4 broadly rural is the antonym of -- urban includes all areas in
5 between cities and towns of a certain size. Although they
6 didn't say the size, necessarily, the certainly said that all
7 areas and whatnot between. So we're really not in a discussion
8 with regard to the areas in between because we're not going to
9 overrule the Ninth Circuit Court here, nor I don't think is the
10 Board going to have opportunity, given that they made a ruling.
11 And given some direction, at least, on how we should approach
12 the concept of rural and urban.

13
14 We're really past that point of discussing that, we are
15 now into the neighborhood more of the other -- of the cities
16 that happen to be within there, to a certain extent. And your
17 statement is that since they don't meet the threshold, that
18 they have characteristics, as you pointed out in your
19 report.....

20
21 MS. DANIEL: Right.

22
23 MR. OSKOLKOFF:that there should be no problem in
24 arriving at a rural designation for the entire area. Whether
25 you're doing it in the aggregate, as it was done originally, or
26 not, you're still arriving at the same conclusion at the end of
27 all of those communities and the areas in between are rural.

28
29 MS. DANIEL: That's correct.

30
31 MR. OSKOLKOFF: So either way you slice it you end up
32 at the same result.

33
34 MS. DANIEL: Right, unless you're attempting to just
35 aggregate the numerical populations to get to a level that you
36 throw it out.

37
38 MR. OSKOLKOFF: Yeah.

39
40 MS. DANIEL: I mean how many people do we have to throw
41 in here to say it's -- we would reject that notion.

42
43 And one other point that I'd like to make is on the
44 rural -- the scope of the Federal regulations in terms of the
45 rural designation and I think some of the other people from the
46 Kenaitze Indian Tribe may address this, but there is fishing
47 that goes on in places other than at the mouth of the Kenai
48 River, I mean, and in terms of ANILCA there is an attempt in
49 the State to bring the -- who knows if it will ever happen, if
50 the State will bring itself back into compliance, but when it

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1 does, I mean it's going to be looking at what the Federal
2 interpretation, including the Federal Subsistence Board is of
3 ANILCA, and so I mean I think that it's two separate issues, as
4 Gary pointed out, but in terms of setting precedent about how
5 you go about, under ANILCA, determining what rural and nonrural
6 is, I think it's critical that it be done right because the
7 State will look to that interpretation when it -- when and if
8 it ever brings itself into compliance with ANILCA and it will
9 impact all communities, not just the Kenai Peninsula.

10
11 MR. LOHSE: Carol, if I understand right what you're
12 saying then is that if the State comes into compliance with
13 ANILCA, it will have to bring itself in compliance not just on
14 Federal land but on State land also.

15
16 MS. DANIEL: Correct.

17
18 MR. LOHSE: And at that point in time the designation
19 of rural or nonrural would be very important.

20
21 MS. DANIEL: Correct. Assuming it's resolved in a way
22 that retains the rural preference in Title VIII of ANILCA. And
23 I think in any sense of things what the Federal Board -- it
24 would have to look at the interpretations the Federal Board,
25 itself, gave to those terms.

26
27 MR. OSKOLKOFF: Mr. Chairman.

28
29 CHAIRMAN EWAN: Yes.

30
31 MR. OSKOLKOFF: I want to ask Carol one more question,
32 I know one of your other things -- I just want to refresh my
33 memory, if you would, there were three designations of size,
34 one in which you were small enough you were assumed rural?

35
36 MS. DANIEL: Right.

37
38 MR. OSKOLKOFF: And one if you were over, was it 7,000,
39 you were assumed urban?

40
41 MS. DANIEL: Right.

42
43 MR. OSKOLKOFF: And if you were in between, what was
44 assumed if you were in between -- was anything assumed if you
45 were in between or that had to be fought out?

46
47 MS. DANIEL: I think if you were in between, and Tom
48 here, he can probably -- I don't have the regulation.

49
50 MR. BOYD: In the rural determination process, as

00272

1 outlined in the Federal regulations, it say that in making the
2 determinations the Board shall use the following guidelines.
3 And one was a community or area with a population of 2,500 or
4 less shall be deemed to be rural unless such a community or
5 areas possesses a significant characteristic of a nonrural
6 nature or is considered to be socially and economically a part
7 of an urbanized area. That's one. So none of these are hard
8 and fast.

9
10 MR. OSKOLKOFF: Yeah, I see what you mean.

11
12 MR. BOYD: Number 2, communities or areas with
13 populations above 2,500 but not more than 7,000 will be
14 determined to be rural or nonrural. So that was kind of a gray
15 area that under 2,500 was probably, in all likelihood, rural,
16 but it had to undergo some scrutiny and then communities with a
17 population more than 7,000 shall be presumed nonrural, and
18 again, unless a community or area possesses significant
19 characteristics of a rural nature.

20
21 So it allowed some exceptions within those sort of
22 broad parameters.

23
24 MR. OSKOLKOFF: Okay. Thank you.

25
26 CHAIRMAN EWAN: Okay, the next person, state your name
27 and tell me where you're from also.

28
29 MS. LINDGREN: Hi, I'm Alexander Lindgren, I'm a
30 Kenaitze tribal member and I'm Cultural Heritage Program
31 Director for my tribe. I'm charged in my position as the
32 Cultural Heritage Director and as a tribal member, because I
33 accept the rights and responsibility of being a tribal member,
34 to preserve, protect and present my Dena'ina heritage, my
35 traditions, my language and my culture. I do this to honor my
36 grandmother, my mother and for the sake of my grandchildren and
37 the generations to come.

38
39 I have been taught that Dena'ina tradition and culture
40 cannot be separated and is a part of the lands, the waters, the
41 fish, the animals of Yoganin, the Kenai Peninsula, our good
42 land. And in working with the Forest Service, U.S. Fish and
43 Wildlife Service, the different State and local agencies I've
44 been frustrated time and time again because I feel that there
45 is an artificial division that exists in the predominant social
46 structure right now that is not a part of my Dena'ina heritage
47 and that's the division of resources into cultural and natural.

48
49 Okay, so the richness of my life as a tribal member
50 depends on my ability to harvest the resources of the Kenai

00273

1 Peninsula. With the designation of rural on the Peninsula it
2 would make it -- I would be able to do this.

3
4 There's been a couple of things that have been brought
5 up in this, so I'm just bouncing around now on my notes. Okay.
6 Federal, State and local government support cultural heritage
7 preservation and they support cultural diversity, okay? So
8 then it's mandated by Federal law to protect culture, to
9 protect this. Okay, but cultures, you can't separate cultures
10 and natural resources, so I believe that the Federal government
11 has, and I don't think it's a point any of us are going to
12 argue, has mandated that they're going to protect my culture.

13
14 Okay, I can prove that my culture, that what makes my
15 language different from your language in Copper Center is the
16 adaptation that I've made -- that my ancestors made to the
17 Kenai Peninsula. It's a marine -- we are salt people, I mean,
18 mountain people on salt water, you know, we have -- our
19 language reflects our marine adaptation.

20
21 Okay, so if you can't -- and if you accept that, then
22 it -- okay, and then the other thing that's been talked about
23 here is you define community based on where we live. That -- I
24 don't define who I am based on where I live. And you say
25 community or area. Okay, on our trip up here today, we're
26 Kenaitze tribal members, okay? We came up here. You know what
27 we spoke of? We spoke of salt fish. Carol promised to make us
28 pickled fish when we get home. Then we talked about how hungry
29 we are for that first king. And then it went to hooligan.
30 This conversation bound us, it defined us and said we are
31 Kenaitze, we are Dena'ina people.

32
33 Okay. I remember conversations like this as a young
34 child listening to my grandmother and her sisters and brothers
35 and friends, okay. I hope that my grandchildren and my
36 children will have the opportunity to have conversations like
37 this. Designating the Kenai Peninsula as rural will ensure
38 that.

39
40 And then you spoke about Federal jurisdiction, we
41 didn't -- our ancestors, our people did not just harvest fish
42 at the mouth of the Kenai River. Okay. For the past three
43 years our Sustine (ph) campers have been working on
44 archaeological excavations of ancestral homes and stuff that
45 begin on the other side of Kenai Lake. Dena'ina villages, both
46 on Forest Service, U.S. Fish and Wildlife Service and State
47 lands from Kenai Lake though Skilak, downstream past Stabonkas
48 (ph) and Tyonek Camp to Birch Island and the mouth of the Kenai
49 and Kasilof were places where our people harvest no only fish
50 but land animals.

1 And when we talk about subsistence we, of course, fish
2 is the economic thing, I mean, that's the driver for the this
3 and the reason that we have this is the economics that are
4 involved. I realize this, but there are other things that you
5 need to consider. We are returning more and more to the wisdom
6 of our ancestors and our ancestors harvest from the forest.
7 They bring medicines into the steambath and that type of stuff.
8 So it's not just the water in the mouth of the Kenai that we're
9 talking about.

10
11 So that's what I have to say, thank you.

12
13 CHAIRMAN EWAN: Thank you. Any questions?

14
15 (No audible responses)

16
17 MS. SEGURA: Hi. My name is Esther Segura and I'm an
18 Kenaitze Indian tribal member and recently the Secretary on the
19 Council of the Kenaitze Indian Tribe. I'm very excited to be
20 here and have high hopes of everything working out and turning
21 out for the best for not only my people in Kenai, but the whole
22 state.

23
24 Along with my mother, her and I wrote this testimony
25 and I'm going to just read that. Written testimony of
26 Elizabeth Wilson and daughter, Esther Segura. Elizabeth Wilson
27 is a Kenaitze Indian tribal elder.

28
29 We are giving this testimony in hopes of a successful
30 outcome of the fight for our continued subsistence lifestyle, a
31 consideration that Kenai be designated as rural. I was born
32 and raised here in the village of Kenai. Our way of life is
33 what was taught to use as we lived and grew older by our
34 ancestors and what we passed on to our children and
35 grandchildren.

36
37 The food we eat, moose, fish, caribou, the plants as
38 vegetables, herbs and medicines we used back then we still eat
39 and use today. The foods and groceries we can buy in the store
40 can never replace what we can and need to get by hunting,
41 fishing and gathering. In fact, there are many health problems
42 that could be prevented or corrected if we would be allowed to
43 continue our way of living and eating. It really does mean a
44 better way of life.

45
46 With the hundreds of people that come to Kenai to
47 visit, to hunt, fish, pick berries, plants and herbs, Kenai is
48 most certainly a rural place where all these necessities can
49 still be found.

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1 Signed Esther Segura and Elizabeth Wilson. Thank you.

2
3 CHAIRMAN EWAN: Thank you.

4
5 MS. DOLAN: Hi, I'm Carol Dolan, I've been born and
6 raised at Kenai, lived there all my life. And I'm going to
7 make this short because they said about everything. I feel the
8 same way. I do have a smokehouse right downtown behind my
9 house and I put up my fish every year when I could get it.
10 It's been real hard, especially in the last few years and it
11 was hard to get fish. And I taught my kids how to fish and
12 clean fish and put it up and now I'm trying to teach my
13 grandkids.

14
15 A few years ago I had my granddaughter with me, she was
16 about six and we got our first fish in the net and I was called
17 to clean it and pass it to the elders. Everybody was waiting
18 for their first piece of fish, so I just took her with me and I
19 explained to her what I was doing, was sharing. And these
20 people are hungry for fish, their first fish of the year. And
21 I mean it was just so cute and so nice because she just enjoyed
22 that and I was teaching here, too, how to share and the elders
23 come first. And we'd go in one place and come out and she'd
24 say, oh, grandma, she was old, wasn't she. Say, yeah. She was
25 happy wasn't she? Because she could eat her fish.

26
27 So I mean it's just something like this that I think
28 it's important that we should be able to keep this up, so my
29 daughter, maybe when I'm gone, she'll do the same thing with
30 her grandchildren. And I hate to see us lose it and, like I
31 said, last year I didn't get hardly any fish to put up, you
32 know, we just -- you know, so -- anyway, that's all I have to
33 say and thought I'd share that story with you.

34
35 Thank you.

36
37 CHAIRMAN EWAN: Thank you.

38
39 MS. LOGERSON: Hello, I'm Doris Logerson, I'm a
40 Kenaitze Indian, I'm on the Kenaitze Indian Tribe Council, I'm
41 a member. About six years ago is the first time I used an
42 educational net and this was the first chance my children had
43 gotten a chance to see gillnetting. And we was fishing for
44 king salmon. And when we pulled that net in and there was
45 kings in there my children, they all ran down to the net and
46 they start kissing these kings on their lips and I never taught
47 them this, so this here must be like inherited rights to love
48 fish, you know.

49
50 I was brought up all my life fishing, I fished with my

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1 dad, he was a commercial fisherman and lost him to the Cook
2 Inlet and I taught my children that not only does the water
3 take but it gives back plentiful and my children were
4 astonished that when I did get the first few fish I would give
5 it away to the elders. They're like, well, we need that and
6 I'm, in turn, teaching them that they must respect their elders
7 and feed them first because they fed us first. And with our
8 subsistence values my children, they're 14 and 15 years old
9 right now, they could fill a smokehouse, they can salt fish,
10 they can dress a moose and not a lot of children that age can,
11 and they have their problems even though they are teenagers but
12 without subsistence and without the ability to go down and fish
13 and then give the fish away to the elders we're not leaving
14 much to teach our children.

15
16 And I'd just like to see the subsistence open a little
17 bit more, the personal use fishing is almost combative. One
18 day out three days and I couldn't handle, I didn't want to be
19 there. So I think that like the Indians could get on their own
20 land and open up their subsistence to their people and share
21 amongst each other, I think this would be great. You go down
22 to the personal use fishing and there's arguing and fighting
23 and people running over each other's lines and this is three
24 days of sure terror or something. And I'm really thankful to
25 see the educational net because this here's the only way I'm
26 able to teach my children at this point.

27
28 Thank you.

29
30 CHAIRMAN EWAN: Ralph.

31
32 MR. LOHSE: Is this education net, the one that we saw
33 the pictures of that's on the site that you bought as a tribe?

34
35 MS. LOGERSON: Yes, it is.

36
37 MR. LOHSE: And so do you use that strictly for
38 education or can you also -- did you by the site and the permit
39 so you can use it also for funding for the tribe when -- for
40 the rest of the season or anything like that?

41
42 MS. LOGERSON: It is not used for funding at all.

43
44 MR. LOHSE: So it's strictly an educational -- it's
45 strictly a site, not a permit, in other words?

46
47 MR. PETERSON: It's a yearly permit that's issued by
48 the State.

49
50 MR. LOHSE: Uh-hum. But the site is yours?

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1 MR. PETTERSON: The property is.

2

3 MR. LOHSE: Yeah.

4

5 MR. PETTERSON: The property is ours (indiscernible -
6 away from microphone).....

7

8 MS. LINDGREN: We didn't buy a fishing site, we bought
9 land.

10

11 MR. LOHSE: You bought a land site.

12

13 MS. LINDGREN: We didn't buy locations as defined
14 through Alaska Fish and Game, you go out and you permit
15 (indiscernible - away from microphone).....

16

17 MR. LOHSE: Okay. You both a traditional site and then
18 got an educational permit for the net there.

19

20 MS. LOGERSON: Um-hum.

21

22 MR. LOHSE: I think it's a fantastic idea myself.

23

24 MS. LOGERSON: In fact, my son just said the other day,
25 only 22 more days till their educational net opens up.

26

27 Thank you.

28

29 CHAIRMAN EWAN: Thank you.

30

31 MR. PETTERSON: That's the last of the ones
32 (indiscernible - away from microphone).....

33

34 REPORTER: Thank you.

35

36 MR. PETTERSON: I'm Ron Petterson again, she was the
37 last one of the tribal members that's here.

38

39 Also on that net we're allowed 5,000 species -- 5,000
40 fish, all species to provide fish for 1,000 tribal members from
41 the beginning of May until September.

42

43 MR. LOHSE: Okay, so you basically can be open any day
44 that you decide you want to run it you can run it?

45

46 MR. PETTERSON: Yes, we can.

47

48 MR. LOHSE: Okay.

49

50 MR. PETTERSON: That also depends on.....

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1 MR. LOHSE: Depends on the weather and.....

2

3 MR. PETTERSON: The weather also, and also we actually
4 volunteer to comply with any closures that the State deems
5 necessary for the commercial fishermen to allow the fish to go
6 into river, we voluntarily do that also.

7

8 MR. LOHSE: So you mostly operate on the commercial
9 openers then?

10

11 MR. PETTERSON: Pardon?

12

13 MR. LOHSE: You mostly operate on commercial openers
14 then?

15

16 MR. PETTERSON: No, we like to have as much as possible
17 because to provide the food, you know, the fish for our elders
18 and any other tribal members that need the fish.

19

20 MR. LOHSE: I misunderstood. You said, basically, that
21 if there was commercial closure for conservation for.....

22

23 MR. PETTERSON: An emergency closure.

24

25 MR. LOHSE: An emergency closure, then you honor that?

26

27 MR. PETTERSON: For conservation purposes, yes, then we
28 do honor that yes.

29

30 MR. LOHSE: Yeah.

31

32 MR. PETTERSON: Yeah, but that's all we do have. If
33 there's any other questions.

34

35 MR. OSKOLKOFF: Mr. Chairman.

36

37 CHAIRMAN EWAN: Yes.

38

39 MR. OSKOLKOFF: If the Board decides to pursue the
40 concept of dealing with communities on an individual basis and
41 that would mean that a number of your tribal members would be
42 inside the city limits and may not, for whatever reason,
43 receive the ability to fish and hunt and some would be outside
44 of that area, in a rural area, and then may be able to. Would
45 that cause a significant hardship in the way of the community
46 of the tribe itself and how it functions? I mean would there
47 be problems?

48

49 MR. PETTERSON: Oh, I'm sure there would be conflict.
50 When certain members are allowed to do a particular thing and

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1 then the rest of the tribal members are denied it because of
2 where they live, I'm sure it would cause a great deal of
3 conflict, you know, and discontent. I'm sure it would.

4
5 I would be rather -- because I live within the city
6 limits of Kenai and if I wasn't allowed because of a
7 classification of where I live to go out and subsist, like my
8 ancestors had, yes, I would be a little upset, especially if
9 other tribal members lived in another area and they're allowed
10 to, yeah, I think I would be upset.

11
12 MR. OSKOLKOFF: Is there any difference? Do you
13 perceive any difference between how your members that live
14 inside the city limits and outside the city limits how they go
15 about gathering their food and hunting and fishing? I mean is
16 there any significant difference between those?

17
18 MR. PETTERSON: No, I don't see any difference at all.
19 Why -- yeah -- no, I don't see any difference.

20
21 MR. OSKOLKOFF: Okay, thank you.

22
23 MR. PETTERSON: Okay.

24
25 CHAIRMAN EWAN: Is there anybody else from your group
26 that's up?

27
28 (No audible responses)

29
30 CHAIRMAN EWAN: Okay. Is there any other comments? Do
31 we go through this process for agency comments or anything like
32 that?

33
34 MS. EAKON: If you want to, that would be a democratic
35 way.

36
37 CHAIRMAN EWAN: I would like to hear any comments from
38 anybody before we get down to making our recommendation. Do
39 you have a comment, Tom?

40
41 MR. BOYD: I'm just sitting here thinking about that.
42 I have one just for clarification purposes.

43
44 CHAIRMAN EWAN: Okay.

45
46 MR. BOYD: I don't want any of my comments to be
47 construed as taking exception to anything that's been said. I
48 want to provide, I think, some clarifying points to some of the
49 things that have been said, but clearly not all of them. I
50 think I deeply respect the people from the Kenaitze Tribe that

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1 have come here to testify and I'm -- I know that they came in
2 here with a great deal of sincerity, expressing their wants and
3 their needs and their wishes, and I -- this whole subsistence
4 issue is a confounding thing, at times, when we get into rural
5 determinations and c&t determinations and jurisdiction. It's
6 all in times, even to those of use that deal with it daily, and
7 have been dealing with it daily for years, sometimes a very
8 cloudy, murky thing to deal with. And so I offer my comments,
9 hopefully, to clarify some of the things that were said.

10
11 And I'll speak a bit extemporaneously here. One of the
12 things that Carol said was -- she referred to the Proposed Rule
13 that's currently out for public review. The Proposed Rule
14 dealing with amendments to the existing rule to expand our
15 jurisdiction into fisheries. And one of the things she
16 indicated, and she wasn't sure, but -- and she can speak for
17 herself on this, but she assumed that these, the entire rule
18 was up for comment now. And -- meaning what we did in this
19 rule was we took the existing regulations and then inserted
20 places to add the fisheries implementation, the Katie John
21 implementation. So I guess one could assume that the entire
22 rule is up for comment. I'm not sure about that. I would want
23 to get a legal reading on that myself.

24
25 We have been working under the assumption that the
26 Proposed Rule is what we have inserted, the amendments, okay?
27 And I think in fairness to the public that's the way we've been
28 portraying the rule. We inserted them into the existing rule
29 so people could see the whole rather than just the pieces. But
30 in the Preamble we did highlight the changes that were made.
31 So I would not presume that the whole rule is up for comment at
32 this point, but I'm not sure, technically, legally if I can
33 stand on that. And I'll just let that go. That adds to more
34 confusion, I know, so.....

35
36 And I was thinking that in fairness to the public if we
37 were to propose a change to the rural determinations that we
38 should alert the public at large as to what is being proposed
39 and go through some sort of a formal public process so that
40 everyone would have an opportunity to comment on it that feels
41 -- that may be affected by the change.

42
43 CHAIRMAN EWAN: But that mean that we should meet again
44 with, say, the public? Have a public meeting somewhere?

45
46 MR. BOYD: Well, in terms of process it's not.....

47
48 CHAIRMAN EWAN: Or the Federal Subsistence Board could
49 do that.

50

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1 MR. BOYD: I won't answer your question, Mr. Ewan, I
2 don't what the -- I won't speak for the Board because the last
3 time asked you to do it. I don't know what they will say this
4 time. But in terms of process it doesn't matter who does it,
5 just so long as it's done.

6
7 CHAIRMAN EWAN: But it does mean that we should have a
8 meeting with the public? Some other meeting.

9
10 MR. BOYD: It means we should have an opportunity for
11 the public to comment, whether that be public hearings, and/or
12 a public comment period on it. We should alert the public that
13 this is under consideration. These rules, I don't think
14 necessarily alert the public in a formal way that a rural
15 determination -- a change in rural determination would be under
16 consideration, so that would be all I would say about that and
17 I would suspect that if the Board wanted to go along with any
18 proposal that they would want it out for public review and
19 comment.

20
21 I think Carol was fairly good at summarizing the
22 history of the issue. Several times the word arbitrary had
23 been used with regard to some of the decisions that had been
24 made with regard to how communities were aggregated on the
25 Kenai. And I would just say that that's a matter of opinion
26 and it -- and I certainly won't defend the way the decisions
27 were made, but there was a rationale present when the Board
28 made its decisions and it did aggregate communities,
29 essentially the way Carol described it.

30
31 With regard to the process for changing rural
32 determinations I would just refer back to the regulations, and
33 I went through part of them a while ago when Gary asked the
34 question regarding the threshold population sizes and how the --
35 what was part of Board's reasoning. And they're contained
36 right here in the regulation. And if I could just go on to say
37 that beyond just population data once they laid all that out,
38 they looked at community or area characteristics to evaluate a
39 community's rural or nonrural status. And those contained --
40 there were a number of characteristics that they looked at and
41 some of those are listed in the regulations.

42
43 Use of fish and wildlife was one. Development and
44 diversity of the economy the other. Community infrastructure
45 one, transportation and educational institutions. And it also
46 goes on to say that communities or areas which are
47 economically, socially and communally integrated shall be
48 considered in the aggregate. So the idea was that they would
49 aggregate certain areas if they were integrated in some
50 fashion, communally, economically or socially.

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1 And I guess there are a lot of ways to evaluate that.
2 It could be that the way that it's been evaluated, and I
3 haven't really studied it, nor have I had staff study the
4 report provided to you by Ms. Daniel from ISER, the Institute
5 of Social and Economic Research prepared, the Jack Kruse -- is
6 that ISER?

7
8 MS. DANIEL: Yes.

9
10 MR. BOYD: Okay, that prepared report attached to their
11 request to you to look at. I haven't looked at it, but I
12 suppose that's one way to look at this, to deaggregate, if you
13 will, some of the communities. Or to look at them differently.

14
15 And it also goes on to say that the Board shall
16 periodically review rural determinations and that rural
17 determinations shall be reviewed on a 10 year cycle, commencing
18 with the publication of the 2000 U.S. Census. And the idea
19 being that you get new data every 10 years on the Census and
20 that's sort of the first threshold of consideration.

21
22 But it goes on to say that the rural determinations may
23 be reviewed out of cycle, in other words, earlier than the 10
24 year period in special circumstances, period. Now, special
25 circumstances, I don't know what that means and I won't sit
26 here and say I know what it means. It could mean that you
27 could construe a special circumstance out of this, to make a
28 recommendation to the Board.

29
30 I would envision that it probably meant that if there
31 was a dramatic change in population of a community, i.e., a
32 community shot up and no longer had a rural characteristic in
33 terms of community size, that the Board may want to review that
34 out of cycle. Or it could mean if there was a drastic
35 reduction in size the Board may want to review that out of
36 cycle. But there may be other special circumstances, i.e.,
37 that the Board didn't fully consider that it should have. And
38 if you can make that case then that would be a reason you would
39 want to forward a recommendation to Board. So there is a
40 provision to consider these out of cycle.

41
42 I think most of you are aware that, and Carol pointed
43 this out, in September of '95 the Council developed a
44 recommendation that all of the Kenai should be rural, forwarded
45 it to the Board, the Board responded, and I don't have accurate
46 response here, but the Board responded that the Regional
47 Council should obtain more public input on this issue and
48 deferred that action back to the Council, as I recall. Is that
49 right, Helga? I'm going to ask your help on that recollection.

50

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1 MS. EAKON: Yes.

2

3 MR. BOYD: So that's what the Board did before, I'm not
4 suggesting that's what the Board will do in the future but it's
5 one possible response, depending on what you decide to do and
6 what case you make.

7

8 CHAIRMAN EWAN: Tom, while you're looking at that.

9

10 MR. BOYD: I don't have anything else.

11

12 CHAIRMAN EWAN: I don't know if you made any comment
13 about this, but I know that one of things that was said was
14 that the Federal Subsistence Board did not regard the Title
15 VIII as Indian legislation when they're making a determination.
16 That should have been one of the factors considered. Could you
17 comment a little bit about that?

18

19 MR. BOYD: Well, I would -- I guess I would -- I think
20 the Federal Subsistence Board looked at the communities and
21 they didn't -- it wasn't that they regarded or disregarded that
22 issue. I don't think that was an issue in their determination.

23

24 CHAIRMAN EWAN: My question, is could we use that as an
25 argument to bring it back up again, one of the arguments?

26

27 MR. BOYD: You could. And again, I'm not sure how it
28 will be received or what the legal position on that will be. I
29 will say -- I would say I would relegate that concern more to
30 the -- it's a much broader issue, the idea whether or not Title
31 VIII is Indian legislation. How it applies to a rural
32 determination is not very clear to me and I'm not sure how the
33 Board would deal with it. But you certainly could use it as
34 part of your rationale.

35

36 And I can answer any questions about -- that I
37 might.....

38

39 CHAIRMAN EWAN: Ida, did you have a comment or a
40 question?

41

42 MS. HILDEBRAND: I have a comment.

43

44 CHAIRMAN EWAN: Yeah, come on up here.

45

46 MS. HILDEBRAND: Ida Hildebrand, Federal Subsistence
47 Board Staff Committee member for the BIA. I just wanted to
48 raise some points that are of concern to me. That the Kenaitze
49 people stated their case here as a tribe or a tribal people
50 that had customary and traditional use of the entire Kenai area

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1 during the nomadic period and even presently they would have
2 continued their subsistence customarily and traditional use had
3 they not been prevented from doing so by various State and
4 Federal regulations. And I think that's very important, that
5 their continued use has been halted by regulations imposed upon
6 them and that they request that they be permitted to continue
7 their culture and their tradition and that is very much a
8 provision and a mandate of ANILCA, Title VIII that the
9 continued subsistence lifestyle be protected.

10
11 I also wish to note that the people who did testify
12 here today stated that they were not interested in excluding
13 non-Natives from subsistence uses. That they believe the
14 resources could provide for everyone if there were proper
15 regulations and -- or a time permitted for subsistence uses.

16
17 It is also the prerogative of this Council to raise
18 anything they wish to raise to the Board level that regards
19 subsistence.

20
21 And that's all I want to say to you. Thank you.
22 Unless you have a question.

23
24 CHAIRMAN EWAN: Thank you, Ida. Okay, we're down to
25 the Council recommendations or discussions on it.

26
27 MR. DOLCHOK: A couple of weeks ago I was up the
28 Department of Fish and Game asking what the regulations were
29 for this year and they said they were the same as 1996 and '97.
30 And I asked them why there was no change and (indiscernible -
31 away from microphone) this is the regulation.

32
33 MR. OSKOLKOFF: Mr. Chairman.

34
35 CHAIRMAN EWAN: Yes.

36
37 MR. OSKOLKOFF: I want to address a couple of things.
38 One, again, that I addressed before in that what we are talking
39 about here is rural/nonrural that unfortunately for the
40 Kenaitze, our decision here does not resolve their situation of
41 not being able to fish and hunt in their own area, which I
42 first of all want to say on a personal note I think is a crime.
43 But we're one of several thresholds that must be crossed in
44 order to get them closer to that and I think that the real
45 discussion that has to take place is in the c&t determination
46 area, not in the rural/nonrural designation.

47
48 When this discussion occurred on the Kenai Peninsula,
49 many years ago, we were only concerned with the rural/nonrural,
50 there was no discussion of c&t at that time. The question was

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1 never brought up to the people in attendance at the various
2 meetings that at least that I attended. There was quite a hot
3 argument as to whether we would be rural or nonrural and at
4 that time most people believed that that was the beginning and
5 end of the discussion as to whether you would be allowed to
6 hunt and fish.

7
8 Given that, I think that we have to raise this point to
9 the Board given the weight of the information that we have
10 before us now. And also the difference in the law as it was
11 interpreted at that point and the way it is now, I don't
12 believe we have any other choice.

13
14 Further, with regard to notification of the public and
15 discussions regarding this, we did recommend to the Federal
16 Subsistence Board back in 1995 that this be done and if anybody
17 wanted to make a comment they've had essentially three years to
18 do so. I agree that there would be more time made available,
19 certainly if not by use, by the Federal Subsistence Board,
20 itself, for public comment. I also agree that it would be an
21 issues that perhaps would cause another flare up on the Kenai
22 Peninsula and perhaps even into Anchorage, as it did in the
23 past.

24
25 In regard to that, also, I have to say that one of the
26 main comments that was left echoing in my ears after many of
27 the people who were non-Native, in fact, testified was that we
28 are all residents of the Kenai Peninsula, we're all Americans,
29 we're all Alaskans, what have you, we should all be treated
30 equally with regard to this. And that is a discussion I had
31 with Mr. Basnar when he was on this Council, quite a heated
32 discussion, and I had to agree that with regard to the Kenai
33 Peninsula there was a need for some type of parity between the
34 people to keep people satisfied.

35
36 Many of the people when they made that comment said
37 either make us all nonrural or make us all rural, they were
38 particular to which direction they went necessarily, they just
39 wanted to be included and have an equal chance at the resources
40 with everyone else, which I think is essentially what this
41 still does. It does it in a different way. And, in fact, it
42 does it in a better way because right now we have areas that
43 are rural and areas that are nonrural.

44
45 I'll reserve the bulk of my comments for a little bit
46 later in this discussion.

47
48 CHAIRMAN EWAN: I just want to make a comment that for
49 the people from the Kenai area that came all the way to
50 Glennallen to testify on this subject that you do have friends

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1 here on this Council, from my past experience and knowledge of
2 the members here. We have talked about this rural/nonrural in
3 the past, it's on the record somewhere, that we recommended to
4 the Federal Subsistence Board that they reconsider this mainly
5 because of what we heard down in, I forget where Soldotna
6 meeting or which meeting it was, where there were so many
7 people that said, we shouldn't have any subsistence, rural --
8 or differentiate between communities, it should be all the
9 same, everybody -- seems like it was a theme by about 25-30
10 people testifying. We shouldn't be different, we should be all
11 the same.

12
13 But they were saying we shouldn't have subsistence. We
14 were put in position of trying to agree with them or something
15 and we decided not to agree with them, we decided that possibly
16 the best fix was to make the whole area rural and go through
17 the process of a c&t determination and so on.

18
19 I know that I ask questions that maybe you couldn't
20 answer but I know that I probably will be representing this
21 Council at the Federal Subsistence Board that's coming up next
22 to present our recommendation, and that's why I was asking some
23 of the questions that -- how you people saw this action, if we
24 did it, positively? I mean I realize that's off in the future
25 but I wanted to ask that question and clear that up in my mind.

26
27 But each Council member comes from a different
28 community and they're individuals and I'll let them make their own
29 comments. I do want to, in the end, arrive at what you want to
30 arrive at because in the back of my mind all of these years
31 that I've served on this Council I wanted to benefit those
32 users the people that actually go out and subsistence fish or
33 subsistence hunt and all of that. I didn't want them to be
34 left out because new people move into the area and so forth. I
35 just want you to know what's on my mind.

36
37 I think I've said enough. Boy, it's getting late in
38 the day, too. Any comments? Fred.

39
40 MR. F. JOHN: I just want to say thank you guys for
41 coming up and giving your testimony. I didn't know there were
42 that many Native people on the Kenai Peninsula down there
43 because I was down there for hearing there was very few. But I
44 just want to say I know that talking about subsistence is a
45 very emotional -- it's a very charged and emotional life issue
46 for Native people and it brings out a lot of stuff that, you
47 know, from way back when and everything. And I know when you
48 talk you have a lot of feelings, because I have that.

49
50 Today when they started giving testimonies, Pete Ewan

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1 come in and said subsistence is a right, now all the world is
2 subsistence, so I know what the -- when I first came on board
3 here, you know, back when it started I wrote my writing up on
4 why I believe in subsistence and how I live a subsistence and I
5 -- I really did. When I first came on board, you know, it was
6 all Native issue to me, I didn't -- I really didn't know much
7 that it was rural, and I have a hard time just separating the
8 two because that's my whole life as a subsistence person and I
9 believe that's how you feel.

10
11 And as far as the Kenai people, all you guys here, I
12 will vote for you for what you want, rural area and all of
13 that. And let go your own sail, we'll be there for you.

14
15 CHAIRMAN EWAN: Gilbert, do you have comment?

16
17 MR. DEMENTI: Yeah. (Operator error) related to one of
18 the people that wrote a testimony and I know when she said we
19 had to go on strike from eating fish, so we live not too far
20 from each other, so I know what's going on and I hope you know
21 that I'm on your side.

22
23 Thank you.

24
25 CHAIRMAN EWAN: Ralph.

26
27 MR. LOHSE: Yeah, I'd sure like to thank all of the
28 people that came up and testified and I particularly appreciate
29 some of the things I've seen in this meeting today, some of the
30 things that we've been able to do and accomplish and some of
31 the suggestions that have been made. It was really refreshing
32 to have you folks come up and talk about the Kenai Peninsula as
33 your home and people on the Kenai Peninsula basically as your
34 neighbors to be working together for the fact that -- I'll say
35 that there's a -- that there should be a local priority for the
36 fish and game resources of an area to feed the people who live
37 in the area. I know that that kind of an attitude goes a long
38 way towards defusing some of the discontentment and distrust
39 and dissatisfaction that comes between Gary neighbors [sic]. I
40 mean, I can appreciate what he was saying there when he said
41 that, you know, it's because he lives across the border in this
42 city and his brother lives across the border over here, you
43 know, he didn't use exactly those words, but it would be very
44 unfair for him not to be able to make use of something that his
45 brother can make use of, when he still lives in the area.

46
47 We dealt with that earlier in this meeting. I don't
48 see Gloria here, I wanted to thank her because the Copper River
49 Native Association presented some proposals for customary and
50 traditional on bear and things like that up in our area and,

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1 like they pointed out, they wanted to show that they had used
2 it and they wanted customary and traditional, but they weren't
3 trying to exclude their neighbors who lived right along side of
4 them. And we ended up, generally, finding for the area as a
5 having a customary and traditional, recognizing the long term
6 priority of, you know, Mentasta and Chistochina and Gakona and
7 the rest of those places, but recognizing that the other people
8 in the area made use of the resource, too.

9
10 And then toward the end of some of the deliberations we
11 had on proposals, we dealt with proposals that came out of the
12 Eastern Regional Council and we found that they were moving int
13 that direction too. And that's encouraging to me because I
14 appreciate the way the Alaska Natives have made use of
15 subsistence in Alaska, but I also recognize that there are
16 people in Alaska who are, under ANILCA, they are called
17 non-Natives and they live in the same kind of country for the
18 same kind of reason. And they want to pass the same things on
19 to their children. And they do pass the same things on to
20 their children. And the only way that I can see that we're
21 going to get anywhere on this is when we start recognizing that
22 and we start trying to -- like somebody else was saying
23 earlier, I can't remember who made that speech, but when we
24 start working together and we start working together for our
25 local area that uses that subsistence -- and I don't know if I
26 seconded or put the motion on the table to begin with the first
27 time, but I really think the solution to Kenai Peninsula is to
28 look at the Kenai Peninsula as an area and the people on the
29 Kenai Peninsula as neighbors and recognize that they have
30 outside pressure from someplace else that's competing for their
31 resource. But those local people should have first crack at
32 that resource.

33
34 And from that standpoint, if there's an opportunity to
35 do so, I'll definitely support your proposal to have Kenai
36 declared a rural area.

37
38 There's two other things I do want to bring out. I
39 forgot that right now. One thing we have to recognize though
40 is, and this isn't something that's going to happen overnight
41 and it's not going to happen -- it's not something we have to
42 take care of today, but when and if the Kenai becomes rural and
43 then we go through Gary's step and we give customary and
44 traditional findings on the different species there, it is
45 going to affect current seasons and current bag limits that we
46 have in place today.

47
48 We have a subsistence moose hunt on the Kenai right now
49 and it's comparatively limited subsistence moose hunt and so it
50 has no big effect because it doesn't involve a lot of people,

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1 but when the whole Kenai, and 95 percent of the families on the
2 Kenai like to moose hunt, all would have a rural and a
3 customary and traditional finding that moose hunt can't have
4 the same length, you know, it's just -- those are the kinds of
5 things that we have to recognize but those are things that we
6 can work out in a way that's beneficial for the local area.
7 And we do have to go through the step, like Gary said. I mean,
8 this doesn't solve things, even if it was found tomorrow that
9 the Kenai was rural, your fight doesn't end tomorrow. I mean
10 you still got to go through all the rest of the process.

11
12 CHAIRMAN EWAN: Thank you. Is that it, Ralph.

13
14 MR. LOHSE: That's it.

15
16 CHAIRMAN EWAN: Thank you, Ralph, I think you stated it
17 very clearly what we have to go through yet about, you know,
18 c&t determinations for the community or area, then we have to
19 go through the species for -- to see if you have c&t
20 determinations for whatever species.

21
22 Gary, you have a comment here?

23
24 MR. OSKOLKOFF: No, I'd like to make a motion.

25
26 CHAIRMAN EWAN: Yes.

27
28 MR. OSKOLKOFF: I'd like to propose -- I'd like to move
29 that we propose to the Federal Subsistence Board to reverse the
30 decision made earlier with regard to the rural/nonrural status
31 of the Kenai Peninsula and declare the entire Kenai Peninsula
32 rural for subsistence purposes.

33
34 MR. LOHSE: Second that motion.

35
36 CHAIRMAN EWAN: There's a motion and a second. Any
37 further discussion on the motion?

38
39 MR. DEMENTI: Question.

40
41 CHAIRMAN EWAN: Question is called for. All in favor
42 say aye.

43
44 IN UNISON: Aye.

45
46 CHAIRMAN EWAN: Opposed by the same sign.

47
48 (No opposing responses)

49
50 CHAIRMAN EWAN: Motion is carried. I guess all the

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1 intent is all there in the -- there doesn't need to be any
2 further explanation, so you won't need me at the meeting,
3 right?

4

5 (Laughter)

6

7 (At ease - Kenaitze contingent departs)

8

9 MS. EAKON: One more item, Mr. Chair.

10

11 CHAIRMAN EWAN: Let's get the meeting back in order.
12 We do have an item to take care of yet. First of all, let me
13 ask if there's any other new business?

14

15 (No audible responses)

16

17 CHAIRMAN EWAN: Okay, if there's no other new business
18 we'll go on to the time and place of our next public meeting.

19

20 MS. EAKON: I gave each of you a calendar of the fall
21 Council meeting window. The little squiggles are conflicting
22 dates. For example, Bristol Bay is X'd out because I
23 coordinate Bristol Bay. AFN. Southeast is because Rachel and
24 Robert serve that particular Council as well as the
25 Kodiak/Aleutians, so that leaves those open dates for your
26 consideration of your next meeting.

27

28 CHAIRMAN EWAN: Does the staff have any preference?

29

30 MS. EAKON: I should very much like to prefer after
31 Labor Day.

32

33 MR. LOHSE: After Labor Day?

34

35 MS. EAKON: After Labor Day.

36

37 MR. LOHSE: Well, I hope way after.

38

39 MR. OSKOLKOFF: Mr. Chairman.

40

41 CHAIRMAN EWAN: Yes.

42

43 MR. OSKOLKOFF: Helga, when will the Council members be
44 seated by the Secretary of Interior?

45

46 MS. EAKON: They should be seated by then -- by the
47 time the window opens.

48

49 MR. BOYD: That's the goal.

50

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1 MS. EAKON: Yep.

2

3 MR. BOYD: It could get lost in that other deep hole in
4 Washington.

5

6 MR. LOHSE: Mr. Chairman.

7

8 CHAIRMAN EWAN: Yes.

9

10 MR. LOHSE: Could I make a suggestion? Basically we
11 got moose hunting season going till September 20th up in our
12 area. I might be out fishing, but I would prefer as late as we
13 can. October 4th is taken so which ever the two weeks in
14 September, the 20th or 27th, if that's okay with the rest of
15 you, I'd go along with, but I would prefer the week of
16 September 27th, if possible.

17

18 MR. DEMENTI: That'll work.

19

20 MR. F. JOHN: That's okay with me, that's fine.

21

22 CHAIRMAN EWAN: What day is that on?

23

24 MS. EAKON: What?

25

26 CHAIRMAN EWAN: The 27th.

27

28 MR. LOHSE: That's a Sunday, so I mean sometime in that
29 week would be.

30

31 MR. F. JOHN: 28, 29?

32

33 MS. EAKON: 28th and 29th? Where?

34

35 MR. LOHSE: Place?

36

37 MS. EAKON: Um-hum.

38

39 MR. LOHSE: Anchorage.

40

41 CHAIRMAN EWAN: I don't have any preference. Anchorage
42 probably.

43

44 MS. EAKON: Okay, Anchorage.

45

46 (Indiscernible - multiple voices)

47

48 CHAIRMAN EWAN: I was just going to say if we're going
49 to have it in September it would be a little bit difficult for
50 hotels yet during that time.

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1 MR. LOHSE: By this time it shouldn't be too hard for
2 hotels, should it?

3
4 MR. DEMENTI: End of September shouldn't be too hard.

5
6 MR. LOHSE: You know, if we want we could kick it back
7 to 30th, 1st and 2nd too, that way for sure we won't have any
8 problems with hotels. Whichever is preferable to everybody
9 else.

10
11 CHAIRMAN EWAN: Just leave it that week, how's that?

12
13 MS. EAKON: It would have to -- if you go the 28
14 through 30th, you're within our fiscal year. Our
15 administration office doesn't like to divide between fiscal
16 years.

17
18 CHAIRMAN EWAN: So you got to stay on one side or the
19 other.

20
21 MS. EAKON: Or the other.

22
23 MR. LOHSE: Yeah, 28, 29th and 30th or whatever.

24
25 MS. EAKON: Okay, 28th, 29th, 30th?

26
27 MR. LOHSE: Whatever.

28
29 MR. F. JOHN: Yeah.

30
31 MS. EAKON: You want to travel on the 28th and then
32 meet the first thing on Tuesday or -- yeah?

33
34 MR. F. JOHN: Let's do the Kenai.

35
36 CHAIRMAN EWAN: That's fine with me your suggestion of
37 traveling on Monday and meeting on Tuesday and Wednesday.

38
39 MS. EAKON: Yes, is that okay?

40
41 CHAIRMAN EWAN: Yeah.

42
43 MR. LOHSE: Sounds good.

44
45 MS. EAKON: Okay, got it.

46
47 MR. OSKOLKOFF: Mr. Chairman.

48
49 CHAIRMAN EWAN: Yes.

50

1 MR. OSKOLKOFF: Before you adjourn I just wanted to say
2 that I am not going to resubmit my application for the Advisory
3 Council for various reasons, primarily centered around my
4 family. My father is gravely ill, my second child in a month
5 away, I have a business I'm putting together and I'm putting to
6 bed another one, plus my various other duties.

7
8 I wanted to say that I really enjoyed my time on the a
9 Advisory Council, and as I mentioned in passing before, I
10 really enjoyed my arguments with Mr. Basnar, more than he'll
11 probably ever know. That was when it was truly fun.

12
13 I am not going to go away and hide under a rock
14 somewhere, unfortunately for me I'll be standing up tall and
15 taking a few arrows down there as you come through and I will
16 show up and testify from time to time.

17
18 I wanted to thank everyone involved, especially Helga.
19 I wanted to give her a big thank you, sometimes she shored me
20 up when I was sure I was going to run out the door and I think
21 sometimes she held the door so I couldn't get out. But I'd
22 also like to thank each and every member of the Advisory
23 Council I had the pleasure of working with and also the staff
24 and every person who came up to testify.

25
26 Something clicked for me one day when I heard that the
27 Kenaitze were going to come here and put their proposal before
28 us and I laid in bed awake for a while and it came to me what
29 it was after a time and that my grandmother was named Zoia
30 Darien and she is one of the Dariens from Kenaitze. My great
31 grandmother also was a Kenaitze, I remember, and I think it's a
32 bit silly that I sit here now after they've been there for
33 20,000 years and try and decide whether they should or should
34 not be able to subsistence in their own area. And I think it's
35 wrong of me, morally, on my part, because I come to that
36 conclusion to remain a member of the Council, I should be on
37 the outside battering down the doors, and that's where I'll be,
38 so you will see my smiling face again.

39
40 But thank you.

41
42 CHAIRMAN EWAN: Okay. For my part I was asked if I
43 would continue and I said that that would be pretty much what
44 the other people thought and some people just said, well, if
45 you want to continue we'll support you. So I'm going to
46 resubmit my application. I didn't know we had to submit our
47 application. And Gary just talked to me the other day and
48 asked me if I would continue because he was going to leave, he
49 didn't want to see this Council lose two members at once.

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1 But when's the next time -- is this a three year
2 appointment? But we can always resign at anytime.

3
4 MR. LOHSE: 2001 for you.

5
6 MR. BOYD: You have to fill out a document this thick
7 to resign.

8
9 MS. EAKON: Copper River Native Association said they
10 were going to fax me a nomination for you tomorrow.

11
12 CHAIRMAN EWAN: Is that all you need or do I need.....

13
14 MS. EAKON: No, they will nominate you and that will
15 suffice.

16
17 CHAIRMAN EWAN: Oh, okay.

18
19 MR. OSKOLKOFF: One more thing, Mr. Chairman, if I
20 could. I am quite chagrined at the fact that on this Council
21 and on many Councils there are no women serving and I would
22 like to, as my final official act, demand that the Secretary of
23 Interior -- not ask, but demand, that he appoint a woman to
24 this Council in my place. I think it's only right, they get at
25 least 50 percent of the subsistence and for all of us who went
26 clam digging and brought up the clams to our wives to clean,
27 they did more than 50 percent of the subsistence hunting and
28 gather and processing and I think it's only fair that they're
29 adequately represented. Besides that they have, I think, more
30 than 50 percent of the knowledge of what has transpired over
31 the years and what needs to be in place for us to continue our
32 cultures.

33
34 CHAIRMAN EWAN: I think I agree with you, Gary, we want
35 to see some women on these Councils. I guess that's true for
36 the other Councils too, right, there's not very many women
37 serving on the Councils.

38
39 MS. MASON: There's more on the Southeast than anyplace
40 else.

41
42 MS. EAKON: Yeah, those are your opinions. In practice
43 what happens is the most qualified candidate -- the program
44 does not look at gender or race, it's not supposed to, they
45 always look at qualifications. But I, as a person, appreciate
46 your comments.

47
48 CHAIRMAN EWAN: All right, I'll entertain a motion
49 then, unless you have.....

50

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1 MR. LOHSE: Mr. Chairman, I would like to make a
2 comment then. Then I really think that as Gary feels so
3 strongly about it and as he will be on the outside that it
4 behooves him to search hard for a woman with those kind of
5 qualifications and make sure that her application is put in
6 sufficiently often until she's on the Council.

7
8 MR. OSKOLKOFF: I wouldn't have to throw a stone very
9 far to get a woman with those kind of qualifications.

10
11 CHAIRMAN EWAN: Okay, I'll entertain a motion to
12 adjourn.

13
14 MR. OSKOLKOFF: So moved.

15
16 CHAIRMAN EWAN: There's a motion to adjourn, is there a
17 second?

18
19 MR. DEMENTI: Second.

20
21 CHAIRMAN EWAN: All in favor say aye.

22
23 IN UNISON: Aye.

24
25 CHAIRMAN EWAN: Opposed by the same sign.

26
27 (No opposing responses)

28
29 CHAIRMAN EWAN: Motion carries, meeting adjourned.
30 Thank you, everybody.

31
32 (Off record - 5:08 p.m)

33
34 (MEETING ADJOURNED)

35
36 * * * * *

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C E R T I F I C A T E

UNITED STATES OF AMERICA)
) ss.
STATE OF ALASKA)

I, Joseph P. Kolasinski, Notary Public in and for the
State of Alaska and Reporter and Owner of Computer Matrix, do
hereby certify:

THAT the foregoing pages numbered 132 through 295
contain a full, true and correct Transcript of the Southcentral
Federal Subsistence Regional Advisory Council, Volume II,
meeting taken electronically by myself on the 19th day of
March, 1998, beginning at the hour of 8:00 o'clock a.m. at the
Caribou Inn, Glennallen, Alaska;

THAT the transcript is a true and correct transcript
requested to be transcribed and thereafter transcribed under my
direction by and reduced to print;

THAT I am not an employee, attorney, or party
interested in any way in this action.

DATED at Anchorage, Alaska, this 29th day of March,
1998.

JOSEPH P. KOLASINSKI
Notary Public in and for Alaska
My Commission Expires: 04/17/00